

INSTRUCTIONS FOR INSERTING
2003 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF GAHANNA

All new replacement pages bear the footnote "2003 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY UNIT

Cover and Certification Page	Cover and Certification Page
3, 4	3, 4
9 through 28	9 through 28
31 through 42	31 through 42
45 through 54	45 through 54
None	54A through 54D
59	59
81	81
101	101
113 through 116	113 through 116
125	125
139, 140	139, 140

PART ONE - ADMINISTRATIVE CODE

Table of Contents Page	Table of Contents Page
27 through 34	27 through 34
None	54A, 54B
61, 62	61, 62
65, 66	65 through 66A
77	77
101 through 106	101 through 106
113, 114	113, 114

PART THREE - TRAFFIC CODE

7, 8	7, 8
11, 12	11, 12
45, 46	45, 46
55, 56	55 through 56B
127, 128	127, 128
131	131, 132

Discard Old Pages

Insert New Pages

PART FIVE - GENERAL OFFENSES CODE

3 through 22	3 through 22B
25 through 28	25 through 28
33, 34	33, 34
45 through 59	45 through 60G
73 through 78	73 through 78
85 through 88	85 through 88
91, 92	91, 92
95 through 102	95 through 102A
115 through 122	115 through 122
125 through 128	125 through 128
141, 142	141 through 142A
151, 152	151 through 152A

PART SEVEN - BUSINESS REGULATION CODE

21 through 23	21 though 23
---------------	--------------

PART NINE - STREETS AND PUBLIC SERVICES CODE

5, 6	5, 6
27, 28	27, 28
45, 46	45, 46
109, 110	109, 110

PART ELEVEN - PLANNING AND ZONING CODE

Table of Contents Page, 2	Table of Contents Page, 2
65, 66	65, 66
111, 112	111, 112
123 through 126	123 through 125
245 through 247	245 through 247
301 through 313	301 through 314

PART THIRTEEN - BUILDING CODE

11, 12	11, 12
--------	--------

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



Complete to March 1, 2003

We, Rebecca W. Stinchcomb, Mayor, and Isobel L. Sherwood, Clerk of Council of Gahanna, Ohio, pursuant to Municipal Charter Section 4.19 and Ohio Revised Code Sections 731.23 and 731.42, hereby certify that the general and permanent ordinances of Gahanna, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Gahanna, Ohio, as amended to March 1, 2003.

/s/ Rebecca W. Stinchcomb
Mayor

/s/ Isobel L. Sherwood
Clerk of Council

Codified, edited and prepared for
publication by
THE WALTER H. DRANE COMPANY
Cleveland, Ohio

Copyright, 1970, by
The Walter H. Drane Company

CITY OF GAHANNA
 ROSTER OF OFFICIALS
 (2003)

COUNCIL

John McAlister	Ward 1
Robert W. Kelley	Ward 2
David B. Thom	Ward 3
Debra A. Payne	Ward 4
Karen Angelou	At Large
L. Nicholas Hogan	At Large
Michael O'Brien	At Large
Isobel L. Sherwood, CMC/AAE	Clerk of Council

OFFICIALS

Rebecca W. Stinchcomb	Mayor
Thomas L. Weber	City Attorney
Robert O. E. Keyes	Director of Public Safety
Dennis Murphy	Chief of Police
Terrance A. Emery	Director of Public Service
Karl C. Wetherholt	City Engineer
Sadicka D. White	Director of Development
Raleigh Mitchell	Director of Parks and Recreation
W. Jerome Isler	Director of Finance
(Vacant)	Deputy Director of Finance
George Jackson	Water Resources Engineer
Karen J. Woodward	Clerk of Court
James R. Williams	Director of Emergency Management
(Vacant)	Director of Information Technology
Bonnie Gard	Zoning Administrator
Edward C. Corbett	Building and Heating Inspector

The publisher
expresses his appreciation
to

ISOBEL L. SHERWOOD, CMC/AAE
Council Clerk

THOMAS L. WEBER
City Attorney

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

GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

- (a) The Comparative Section Table, which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The Tables of Special Ordinances at the end of the Preliminary Unit.
- (c) The table of contents preceding each component code, and the sectional analysis preceding each chapter.
- (d) The cross references to related material following each chapter analysis.

ABANDONMENT		ADOPTION BY REFERENCE	
animal	505.05	authority	Chtr. 4.16
excavations	521.03	BOCA Fire Prevention Code	1501.01
refrigerator, airtight container	521.01	Ohio Building Code	1301.01
right of way	931.03	One, Two and Three Family Dwelling Code	1303.01
signs	1165.07(a)	Sanitary Regulations	Ch. 943
ACCIDENT		Zoning Map	1135.02
damaging realty	335.14	ADVERTISING (see also SIGNS)	
driver's license display	335.06	parks, in	563.12
impounding vehicle	303.08	traffic control device, on	313.07
information required	335.12 et seq.	unauthorized traffic-like signs	313.07
injured person	335.12	vehicle, attached to	351.15
injurious material on street	311.01	AFFIRMATIVE ACTION PROGRAM	
motorized bicycle	377.10, 377.11	discrimination	
notification	335.12 et seq.	complaints	134.05
off-highway motorcycle	375.07	employment practices	134.02
property other than street, on	335.13, 335.14	Equal Opportunity Officer	134.03
real property damage	335.14	implementation	134.03
remaining at scene	335.12	procedure	134.06
reports	139.01, 335.12 et seq.	purpose	134.01
snowmobile or all purpose vehicle	375.07	AIDING OR ABETTING	501.10
street, on	335.12	AIR CONDITIONING	
unattended vehicle	335.12, 335.13	fees	1312.06
		AIR POLLUTION (see POLLUTION)	

AIRTIGHT CONTAINER			AMENDMENTS (Cont.)	
abandoned	521.01		Flood Plain District and Map	1191.18
ALARM			International Property	
false alarm	509.07		Maintenance Code	1403.02
ALARM SYSTEMS			zoning (see ZONING	
alarm validity determination	715.05		AMENDMENTS)	
City liability	715.08		AMUSEMENT DEVICES (see COIN	
definitions	715.01		MACHINES)	
exemptions	715.09		ANIMAL-DRAWN VEHICLES	
false alarm; service fee	715.06		freeway, prohibited on	303.06(b)
inspection	715.04		lights, emblem	337.10
penalty	715.99		ANIMALS	
permit			abandoning	505.05
application	715.03		Animal Officer	137.02
fee	715.03(e)		barking or howling dogs	505.09
required	715.02		bites	505.10
revocation	715.07		breaking open pound	505.12
Police Chief notified	715.02(d)		coloring; poultry sale	
prohibitions and penalties	715.99		or display	505.12
system standards	715.04		cruelty	
ALCOHOL (see INTOXICANTS;			companion animals, to	505.071
INTOXICATION)			generally	505.07
ALLEY			dangerous and vicious	505.14
defined	301.03, 1123.04		dog registration	505.03
parking in	351.11		exotic or dangerous,	
right of way			escape report	505.13
entering	331.17		freeway, use	303.06
junction of alleys	331.16		housing	505.08
leaving	331.22, 331.23		hunting prohibited	505.11
speed limit	333.03		impounding and disposition	505.02
turning into	331.11		killing or injuring	505.06
ALL PURPOSE VEHICLE			noxious odors from shelters	521.09
accident report	375.07		nuisance conditions prohibited	505.09
bicycle path use prohibited	373.21		parks, in	
certificate of title	375.08		fishing	563.18
definitions	375.01		horseback riding	563.21
equipment	375.02		hunting, trapping,	
operation			molesting	563.17
permitted	375.04		pets prohibited	563.19
prohibited	375.03		releasing in	563.20
operator's license	375.05		police dog or horse, assaulting	525.16
penalty	375.99		rabies immunization	505.04
registration	375.06		running at large	505.01
Traffic Code application	375.03		sidewalk, defacing	521.04
AMENDMENTS			street, on	303.05
BOCA Fire Code	1501.11		wild animals, keeping	505.15
CABO Building Code	1303.02		ANNEXATION	
Charter			notification; highway	
adoption	Chtr. 21.02		right of way	121.05
certification	Chtr. 22.04		Zoning change application;	
electors, submission			fee	121.05
to	Chtr. 21.01, 22.03		zoning district	1133.08
recommended	Chtr. 22.02			

APARTMENT SECURITY			BACKFLOW PREVENTION (Cont.)	
definitions		1319.01	inspection and maintenance	933.10
existing buildings		1319.07	installation	933.09
doors			policy	933.01
all other exterior		1319.04	protection	
single, swinging exterior		1319.02	types	933.07
sliding glass exterior		1319.03	where required	933.06
liability		1319.10	survey and investigations	933.05
lighting, exterior		1319.06	violations	933.11
penalty		1319.99	water system	933.03
reinspection		1319.09	BAD CHECK	545.09
violations		1319.08	BARRICADES AND WARNING LIGHTS	
windows, exterior		1319.05	(see also EXCAVATIONS)	
APPEALS (see also specific subject involved)			required	521.03
BOCA Fire Code		1501.13	sewer construction	921.09
APPEALS BOARD (see ZONING AND BUILDING APPEALS BOARD)			BASEMENT	
AR-1 MULTIPLE-FAMILY RESIDENCE DISTRICT			completion and covering	
conditional uses		1149.02	required	1317.03
development			Housing Code requirements	
standards	1149.03, Ch. 1167		(see HOUSING CODE)	
fences		1171.05	occupancy	1415.03
Overlay District		1152.02	BED AND BREAKFAST INN	
permitted uses		1149.01	conditional use permit	1175.03
AREA REGULATIONS (see specific zoning district)			consecutive nights stay	1175.05(f)
ARREST			defined	1175.02
resisting		525.09	development	
ARSON			standards	1175.04, 1175.05
conditions governing		541.02	guest register	1175.05(i)
determining property value		541.01	license required	1175.05(k)
ASSAULT			nuisance prohibited	1175.05(l)
domestic violence		537.14	owner/operator	1175.05(b)
inciting to violence		509.011	purpose of regulations	1175.01
negligent		537.04	special gatherings	
physical harm		537.03	prohibited in	1175.05(j)
ASSEMBLY			BEER (see INTOXICANTS; INTOXICATION)	
disturbing lawful		509.04	BETTING (see GAMBLING)	
public place, nonsmoking		521.10	BICYCLE (see also MOTORCYCLE)	
street use		311.02	age of operator, street use	373.11
ASSURED CLEAR			attaching to vehicle	373.03
DISTANCE	331.09, 333.03		bell, signal device	373.05
ATTEMPT		501.09	brakes	373.06
ATTORNEY, CITY (see LAW DEPARTMENT)			damaging	373.14, 373.15, 373.20
AUDITOR (see FINANCE DEPARTMENT)			defined	301.04
BACKFLOW PREVENTION			freeway use prohibited	303.06
cross-connections prohibited		933.04	handle bars use	373.02
definitions		933.02	impounding	373.13
devices		933.08	identifying marks, mutilating	373.20
			license	
			appeal of suspension	373.19
			issuance; fee, term	373.17
			required	373.16
			violations; suspension	373.17

BICYCLE (Cont.)					
lights		373.06			
minimum age, street use		373.11			
motorized (see MOTORIZED BICYCLE)					
parental responsibility		373.12			
parking		373.09			
passengers		373.02			
paths exclusively for bicycles		373.21			
reflector		373.06			
removal, illegal		373.15			
riding					
abreast		373.04			
reckless	373.02(d),	373.08			
right side of street		373.07			
sidewalk use		373.10			
streets, prohibited		373.11			
seat, use		373.02			
sidewalk					
parking		373.09			
use		373.10			
siren or whistle prohibited		373.05			
street use, minimum age					
for operation		373.11			
tampering with tires		373.14			
Traffic Code application		373.01			
traffic control devices, obedience		373.07			
BIDDING					
exceptions		148.08			
requirements		135.04			
BILLIARD ROOMS					
definitions		713.01			
hours of operation		713.10			
license					
applicant requirements		713.04			
application; fees	713.03,	713.05			
false application statements		713.06			
investigation of					
applicant; rejection		713.09			
posting		713.07			
pro rata fee		713.08			
required		713.02			
revocation and appeal		713.12			
term		713.08			
minors under eighteen		713.11			
penalty		713.99			
specifications and requirements		713.13			
BILLIARD TABLE					
coin operated		711.24			
BINGO					
definitions		517.01(r) et seq.			
exceptions		517.13			
instant bingo					
charitable organizations		517.09			
conduct		517.07			
location		517.10			
veteran's or fraternal organization		517.14			
methods of conducting		517.06			
operator prohibitions		517.12			
raffles		517.08			
records		517.11			
BIRDS (see ANIMALS)					
BLACKJACK (see WEAPONS)					
BLIND PERSON (see HANDICAPPED PERSONS)					
BOARD OF ZONING AND BUILDING APPEALS					
flood hazard areas jurisdiction		1191.18			
BOARDS OR COMMISSIONS (see also individual board or commission)					
compensation set by Council	Chtr. 4.17				
establishment by Council	Chtr. 4.18				
expenses reimbursed	Chtr. 4.17				
removal, discipline, etc.	Chtr. 23.02				
BOCA FIRE CODE					
adoption		1501.01			
amendments		1501.11			
appeals		1501.13			
application		1501.03			
arson laws, posting		1501.06			
compliance		1501.05			
conflict		1501.12			
copies		1501.01			
enforcement		1501.04			
fairs, festivals		1501.14			
fire equipment installers					
certified		1501.10(b)			
sale or use		1501.10(a)			
Fire Safety Arbitration Board		1501.12			
Fire Safety Inspector					
appointment		1501.04(a)			
identity disclosed		1501.09			
Knox Boxes		1501.15			
modification		1501.12			
penalty		1501.99			
purpose		1501.02			
setting fires which spread		1501.07			
unfriendly fires; alarm duties		1501.08			

BONDS			
right of way construction	931.21		
BOOKMAKING (see GAMBLING)			
BOUNDARIES			
Municipal	Chtr. 1.02		
zoning districts; interpretation	1135.04		
BRAKES (see VEHICLE EQUIPMENT)			
BRASS KNUCKLES (see WEAPONS)			
BRIDGE			
dropping objects onto			
highway or waters	541.09		
railroad cars,			
tracks, engine, etc.	553.04		
parking prohibited	351.03(m)		
pedestrian on	371.10		
speed on	333.05		
BUILDING APPEALS BOARD (see ZONING AND BUILDING APPEALS BOARD)			
BUILDING CODE (see also HOUSING CODE)			
BOCA Basic Building Code	1309.01		
CABO Residential	1303.01		
contractor's license			
appeals	1311.06		
application fee	1311.03		
definitions	1311.01		
qualifications	1311.04		
renewal	1311.05		
required	1311.02		
enforcement of ordinances	Chtr. 6.03		
Ohio Building Code (see BUILDING CODE, OHIO)			
permits and fees (see BUILDING PERMITS AND FEES)			
smoke detectors	1317.06		
Uniform Solar Energy Code	1312.085		
unsafe buildings	1305.04, 1305.05		
BUILDING CODE, OHIO			
adoption	1301.01		
compliance	1301.04		
conflict	1301.08		
enforcement	1301.09		
existing structures	1301.05		
penalty	1301.99		
purpose	1301.02		
scope	1301.03		
stop work order	1301.07		
violations	1301.06		
BUILDING CONTRACTOR			
inspection	947.02		
penalty	947.99		
responsibilities	947.01		
BUILDING INSPECTOR (see BUILDING REGULATION DIVISION)			
BUILDING MATERIAL STORAGE			
residence districts	1167.09		
BUILDING MOVING	1312.12		
BUILDING NUMBERING			
display required	1321.03		
fees	1321.02		
system	1321.01		
BUILDING OFFICIAL			
Ohio Building Code			
enforcement	1301.09		
BUILDING PERMITS AND FEES			
air conditioning	1312.06		
alterations	1312.04		
buildings and additions	1312.03		
certificate of occupancy	1312.15		
conditional uses	1169.05		
construction material			
storage	1312.11		
double fees	1312.02		
driveway and curb cut,			
exhibit required	907.02		
electrical	1312.07		
exempted fees	1312.16		
heating	1312.06		
issuance by Director of			
Public Service	Chtr. 6.03		
marquees and canopies	1312.14		
moving buildings	1312.12		
occupancy certificate	1312.15		
penalty; double fees	1312.02		
plumbing	1312.05		
refrigeration	1312.08		
required; payment	1312.01		
satellite earth station	1179.07		
shoring	1312.10		
sidewalk construction,			
exhibit required	903.02		
street completion before			
permit issuance	1317.01		
tents	1312.13		
wrecking and removal	1312.09		
BUILDING REGULATION DIVISION			
Building Inspector;			
powers; duties;			
qualifications	1305.03		

BUILDING REGULATION			CABLE TELEVISION SYSTEM (Cont.)	
DIVISION (Cont.)			franchise (Cont.)	
establishment;			termination or	
composition	1305.01, 1305.02		revocation	751.04(r), 751.11
residential inspection fees	1312.18		indemnification, insurance,	
right of entry	1305.03(a)(2)		bond	751.06
street completion before			operator's responsibility	751.14
building permit	1317.01		penalty	751.99
BUILDING, STORAGE	Ch. 1329		police powers of City	751.13
BUMPERS (see VEHICLE EQUIPMENT)			prohibitions	751.05
BUS (see also COMMERCIAL AND			rates and charges	751.07
HEAVY VEHICLE)			service area, line extensions	751.03(d)
defined	301.05		signal transmission and	
grade crossing, stopping	331.40		distribution	751.02
safety lighting	337.06		CAMPGROUND	
school bus			minors securing	
defined	301.35		accommodations	529.02
discharging children	331.38		CAMPING TRAILERS	
driving regulations	331.38		parking, storing in residential	
penalty	303.99(a)(11)		districts	1163.04, 1167.07
stopping for	331.38		parking, with zoning certificate	1167.07
BUSINESS DISTRICT			trailer parks	1167.07
defined	301.06		CANDY	
speed	333.03		adulterated	537.13
CABLE ADVISORY BOARD (see also			CANVASSING AND SOLICITATION	
BOARDS AND			definitions	721.01
COMMISSIONS)			interstate commerce	721.05
complaints	150.05		intrastate commerce; license	721.06
duties	150.04, 751.04(m)		notice prohibiting	721.02
established	150.01		penalty	721.99
funding	150.06		time limit	721.04
meetings	150.03, 751.04(m)		violation of notice	721.03
membership	150.02, 751.04(m)		CARRYING CONCEALED	
minutes	150.03(c)		WEAPONS	549.02
organization	150.03		CAR SEATS	337.26
CABLE TELEVISION SYSTEM			CAT (see ANIMALS)	
Advisory Board (see CABLE			CATTLE (see ANIMALS)	
ADVISORY BOARD)			CATV (see COMMUNITY ANTENNA	
basis of service	751.09		TELEVISION SYSTEM)	
chapter			CC COMMUNITY COMMERCIAL	
captions	751.16		DISTRICT	
scope	751.10		conditional uses	1153.03(b)
severability	751.15		development standards	1153.03(c),
construction, maintenance,			Ch. 1167	
operation	751.04		Overlay District	1152.02
definitions	751.01		permitted uses	1153.03(a)
equal employment opportunity,			CC-2 COMMUNITY COMMERCIAL	
affirmative action	751.12		MODIFIED DISTRICT	
franchise			conditional uses	1153.04(b)
fees	751.08		development standards	1153.04(c),
forfeiture	751.11		Ch. 1167	
grant; term; nonexclusive	751.03		permitted uses	1153.04(a)

CODIFIED ORDINANCES (Cont.)		COMMERCIAL AND HEAVY	
definitions	101.02	VEHICLES (Cont.)	
designation; citation; headings	101.01	slower vehicles to use	
general penalty	101.99	right lane	331.01
repeal	101.04	slow-moving, lights and	
section references	101.05	emblem	337.10
separability	101.07	street use	339.01, 339.02
COERCION	537.09	taxicab business and	
COIN MACHINES		licensing (see TAXICAB)	
definition	545.01	towing requirements	339.07
gambling laws (see GAMBLING)		truck defined	301.49
licensing	711.02 et seq.	truck routes	339.02
mechanical amusement device		violation of Ohio Revised Code	
license	711.02 et seq.	and PUCO rules	339.12
seizure and destruction	711.08	wheel protectors	339.05
seizure and destruction	711.08	width, maximum	339.03
slug use	545.11	COMMERCIAL ZONING DISTRICTS	
tampering	545.12	(see also specific district	
COMMERCIAL AND HEAVY		designation)	
VEHICLES		fences	1171.05
air cleaner required	337.25	COMMISSIONS (see BOARDS OR	
brakes	337.18	COMMISSIONS)	
bus (see BUS)		COMMUNITY ANTENNA TELEVISION	
chains, spikes, lugs	339.10	SYSTEM (see CABLE	
driver		TELEVISION SYSTEM)	
criminal offenses	341.05	COMPANIES (see ORGANIZATIONS)	
definitions	341.01	COMPENSATION	
employment	341.06	Council powers	Chtr. 4.05(a),
exemptions	341.02	4.16	
operation prerequisites	341.03	improper	525.11
penalty	341.99	COMPLICITY	501.10
prohibitions	341.04	COMPOUNDING A CRIME	525.04
taxi	Ch. 731	COMPUTER CRIMES	501.01, 545.01
explosives, transporting	339.06	CONDITIONAL USES (see also	
height, maximum	339.03	specific zoning district	
length, maximum	339.03	involved)	
lights (see VEHICLE LIGHTS)		Flood Plain District	1191.06,
loads (see VEHICLE LOADS)		1191.07, 1191.08, 1191.15	
local streets, use	339.02	procedure for authorization	
mud flaps	339.05	application and	
mud, tracking	339.08	contents	1169.02
parking		approval	
commercial vehicles	351.18	action	1169.04, 1169.05
night restrictions	351.13	fees	1169.06
residential districts;		hearing	1169.03
storage	1163.04	nature and conditions	1169.01
penalty	339.99	permits	1169.05
permit, special	339.01	CONFLICT OF INTEREST	
routes		abstention vote	Chtr. 4.12
information required	339.04	community antenna television	
local streets	339.02	system	751.04
oversize, overweight		personal interest	
vehicles	339.01	prohibited	Chtr. 23.01
State route use	339.01, 339.02		

CONSTRUCTION (see also specific construction subject)	
Building Code (see BUILDING CODE, OHIO)	
stop work order	1301.07
CONTRABAND	
seizure	139.05
CONTRACTS	
cooperative with State	133.10
home solicitation sales	741.03 et seq.
income tax provisions	161.19
interest, unlawful	525.10
prosecution	143.01
sewer and water; Columbus	Ch. 923
COPIES	
charge	133.08
CORONER'S VEHICLE	
exemptions	303.041
right of way	331.21
CORPORATION (see ORGANIZATION)	
COUNCIL	
appointment of employees	Chtr. 4.09
authority	
departments, boards, commissions	Chtr. 4.18
general	Chtr. 4.05(a)
legislative	Chtr. 4.01
Charter amendments (see CHARTER)	
Clerk (see CLERK OF COUNCIL)	
compensation	
powers	121.03, Chtr. 4.05 (a), 4.17
composition; terms of	
office	Chtr. 4.02
Deputy Clerk	121.06
duties	Chtr. 4.05
employees	Chtr. 4.09
establishment of departments, boards, commissions	Chtr. 4.18
legislative	
authority	Chtr. 4.01
powers, duties	Chtr. 4.05
procedure	Chtr. 4.12 et seq.
meetings	
day and time	121.02
place	Chtr. 4.10, 121.01
regular	Chtr. 4.10, 121.02
special	Chtr. 4.11, 121.02

COUNCIL (Cont.)	
members	
absence from meetings	Chtr. 4.07
composition	Chtr. 4.02
qualifications	Chtr. 4.03
quorum	Chtr. 4.12
removal from office	
abstention vote, for	Chtr. 4.12
reasons	Chtr. 4.07
residency	121.04
term of office	Chtr. 4.02
vacancy	Chtr. 4.08
ordinances (see ORDINANCES AND RESOLUTIONS)	
President	
election	Chtr. 4.04
signature required	Chtr. 4.05(b)
public hearings, zoning	Chtr. 11.05
reservation of powers,	
traffic control	305.08
taxation rate, limit	Chtr. 4.06
traffic control powers	305.08
Vice President	Chtr. 4.04
variance approval	1103.02
weeds and grass; cost report	945.04
zoning amendment	
procedure	1133.01 et seq.
zoning power	1125.03
zoning procedure	
appeals (see ZONING AND BUILDING APPEALS BOARD)	
approval; action	Chtr. 11.06
mandatory referral	Chtr. 11.04
public hearings	Chtr. 11.05
COUNTERFEIT CONTROLLED SUBSTANCES	513.13
CREDIT CARD	
defined	545.01
identity fraud	545.21
misuse	545.10
CREEKSIDE ISLAND PEDDLER	
alcoholic beverages prohibited	735.17
definitions	735.02
enforcement	735.16
exemptions	735.18
identification card	735.11, 735.12
insurance	735.15

CREEKSIDE ISLAND PEDDLER (Cont.)			
license			
appeal	735.10		
application investigation	735.06		
issuance; fees; terms	735.07		
refusal	735.08		
suspension; revocation	735.09		
transfer	735.11		
management area	735.03		
operation of island	735.13		
proposal			
acceptance; licensing	735.05		
application investigation	735.06		
review	735.04		
purpose	735.01		
pushcart requirements	735.14		
severability	735.19		
CRIME (see OFFENSE)			
CRIMINAL DAMAGING AND			
ENDANGERING	541.03		
CRIMINAL MISCHIEF	541.04		
CRIMINAL SIMULATION	545.13		
CRIMINAL TOOLS	545.19		
CROSSWALK			
defined	301.09		
manual signals operation	313.11		
obstructing	331.33		
parking on prohibited	351.03(e), (f)		
pedestrian right of way	371.01		
school guard, obedience	303.02		
CRUELTY			
animals	505.07, 505.071		
children	537.07		
CS COMMUNITY SERVICE DISTRICT			
conditional uses	1153.05(b)		
development standards	1153.05(c), Ch. 1167		
Overlay District	1152.02		
permitted uses	1153.05(a)		
CUL-DE-SAC (see under STREET)			
CULPABILITY			
criminal liability	501.07		
knowingly	501.08(b)		
mental states	501.08		
negligently	501.08(d)		
purposely	501.08(a)		
recklessly	501.08(c)		
CULVERT			
obstruction permit and			
compliance	911.01, 911.02		
CURB			
driving over	331.37		
parking on prohibited	351.03(a)		
CURB CUTS			
construction protection	909.01		
inspection	907.03		
permits and fees	1312.17		
plans and specifications	907.01, 907.02		
width	907.04		
CURFEW			
probationary license	335.031		
temporary instruction permit	335.03		
DANGEROUS BUILDINGS (see			
UNSAFE BUILDINGS)			
DANGEROUS ORDNANCE (see also			
WEAPONS)			
defined	549.01		
exceptions	549.01(k)		
failure to secure	549.05		
possession	545.19(b)		
DEFINITIONS (see also specific			
subject involved)			
Housing Code	Ch. 1401		
offenses, general	501.01		
Subdivision Ordinance	1101.02		
Traffic Code	Ch. 301		
Zoning Ordinance	Ch. 1123		
DEFRAUDING			
creditors	545.17		
DEPARTMENTS (see also specific			
department)			
establishment by			
Council	Chtr. 4.18		
expenditures and			
revenues	Chtr. 3.08		
removal, discipline, etc.	Chtr. 23.02		
DEPUTY DIRECTOR OF PUBLIC			
SERVICE			
position established	135.011		
vehicle allowance	155.01		
DERELICTION OF DUTY	525.12		
DESECRATION	541.07		
DESIGN REVIEW			
application	1197.03 et seq.		
certification of appropriateness	1197.05		
districts established;			
standards	1197.08, 1197.09		
duties; responsibilities	1197.02		
fee	1197.04		
penalty	1197.99		

DESIGN REVIEW (Cont.)

Planning Commission action	1197.06
purpose; intent	1197.01
standards	1197.07, 1197.09
variances required	1197.10

DESIGN STANDARDS, SUBDIVISIONS
(see also IMPROVEMENTS;
DEVELOPMENT STANDARDS,
ZONING)

lots and blocks	1109.06
public areas	1109.08
rights of way	1109.02, 1109.10
sewers	
sanitary	1109.03
storm	1109.05
standards, general	1109.01
streets	1109.02, 1109.09, 1109.10
street lights	1109.11
water distribution systems	1109.04

DETENTION

defined	525.01
shoplifters	545.04

DEVELOPMENT AND
REDEVELOPMENT
DEPARTMENT

building permits restricted	148.06
Council action	148.04
creation	Chtr. 9.01
definitions, finding of blight	148.01
Director	Chtr. 9.01, 148.02
implementation of projects	148.05
leases without bidding;	
conditions	148.09
plan contents	148.03
Planning Guide adopted	148.10
powers; duties	Chtr. 9.02
previous proceedings	148.07
transfer of City realty	
interests	148.08

DEVELOPMENT PLAN, ZONING

approval	1108.05
conference, pre-application	1108.02
development; construction	1108.06
fees	1108.07
filing	1108.03
penalty	1108.99
Planning Commission action	1108.04
requirements	1108.01
revision	1108.08

DEVELOPMENT STANDARDS,
ZONING (see also DESIGNSTANDARDS, ZONING and
specific zoning districts)

accessory USTEB	1167.17
building lines	1167.15
construction material, residence districts	1167.09
fences	
screening	1167.18
first floor level above grade	1167.12
harmonious dwellings	1167.10
height	
church spires, chimneys, silos, etc.	1167.03
public, institutional buildings	1167.02
lot area, minimum, no water sewer	1167.11
merchandise in commercial districts	1167.08
noise	1167.19
nuisance, public	1167.19
platting required	1167.13
property perimeter requirements	1167.20
setback	
building line	1167.15
corner lot	1167.06
sight triangle	1167.16
standards, minimum	1167.13
tourist courts and cabins	1167.07
trailer	
camps	1167.07
parking with zoning certificate	1167.07
parks	1167.07
yards	
reduction prohibited	1167.14
two-family, multiple dwellings	1167.05

DIRT BIKE (see MOTORCYCLE,
OFF-HIGHWAY)DISCRIMINATION (see also
AFFIRMATIVE ACTION
PROGRAM)

ethnic intimidation	541.08
nondiscrimination clause	Chtr. 23.07

DISORDERLY CONDUCT		DRIVER'S LICENSE (Cont.)	
disturbing others	509.03	revoked or suspended	
inducing panic	509.06	driving with	335.07
intoxicated persons	509.03	failure to surrender	335.04(d)
parks, in	563.06, 563.09	snowmobile or all purpose	
riot (see RIOT)		vehicle	375.05
DISTURBING THE PEACE (see also		taxicab driver (see TAXICAB)	
DISORDERLY CONDUCT)		DRIVEWAY	
loud sound systems	331.361	construction (see DRIVEWAY	
muffler noise	337.20	CONSTRUCTION)	
racing vehicle motor	331.36	drainage (see DRIVEWAY	
squealing tires, peeling	331.36	CONSTRUCTION)	
vehicle exhaust noise	331.36	general zoning regulations	1163.03
DIVISION OF BUILDING		parking in front of	351.03
REGULATION (see BUILDING		parking to obstruct	351.10
REGULATION DIVISION)		property line, location	1167.15
DOGS (see ANIMALS)		right of way	
DOG WARDEN	137.02	entering	331.17
DOMESTIC VIOLENCE		leaving	331.22, 331.23
temporary protection order	537.15	subdivision standards (see	
violation	537.14	DESIGN STANDARDS,	
DRAG RACING	333.07	SUBDIVISIONS)	
DRAINAGE (see also STORMWATER		turning into	331.11
MANAGEMENT POLICY)		DRIVEWAY CONSTRUCTION	
compliance required	521.05	building permit, exhibit	907.02
driveway construction (see		building permits and fees	1312.17
DRIVEWAY		curb cuts	907.01 et seq.
CONSTRUCTION)		curb protection	909.01
obstructing or		drainage	
diverting	909.01, 911.01	pipe requirements	909.03
subdivision standards (see		protection	909.01
DESIGN STANDARDS,		escrow account	1317.05
SUBDIVISIONS)		inspection	907.03
surface water disposal	Ch. 925	inspection fee	909.04
DRIVER'S LICENSE		occupancy certificate	
application falsification	335.04(e)	issuance	1317.05
display	335.06	pipe	909.03
fictitious, revoked, altered	335.04	plans and specifica-	
identity fraud	545.21	tions	907.01, 907.02
lending	335.04(b)	preconstruction require-	
motorcycle, off-highway	375.05	ments	909.01 et seq.
motorcycle operator	335.01(a)	temporary drive	909.02
motorized bicycle	373.10	width	907.04
nonresident driver	335.01(b)		
possession			
more than one	335.02		
someone else's	335.04(c)		
probationary; curfew	335.031		
prohibited acts	335.04		
required	335.01		
restriction violation	335.07		

DRIVING

accident (see ACCIDENT)
 allowing another to drive
 illegally 335.05
 approaching stationary public
 safety vehicle 333.031
 assured clear
 distance 331.09, 333.03
 avoiding traffic control devices 331.41
 backing 331.13
 bicycle path use prohibited 373.21
 certificate of title required 335.08
 change of course 331.14, 331.34
 child restraint system 337.26
 closed road, on 331.26
 commercial driver regulations
 (see COMMERCIAL AND
 HEAVY VEHICLE)
 control of vehicle 331.34, 333.08
 crosswalk, obstructing 331.33
 damaged vehicle 337.01
 directional signals required 337.30
 distance between vehicles 331.09
 divided street 331.31
 drag racing 333.07
 driver's license (see
 DRIVER'S LICENSE)
 driver's view, control 331.25, 337.21
 drunk or drugged 333.01
 entering or crossing roadway
 from other than
 roadway
 duty to yield 331.22
 stopping at sidewalk 331.23
 exhaust noises 331.36
 fire hose, over 331.28
 following
 emergency or
 safety vehicle 331.27
 too closely 331.09
 full time and attention 331.34
 grade crossing 331.39, 331.40
 hazardous zones 331.07
 immobilization order 333.10
 intersection
 obstructing 331.33
 right of way 331.16
 shortcutting 331.41
 turning at 331.10

DRIVING (Cont.)

lanes, within 331.08
 left side of street 331.06
 license (see DRIVER'S
 LICENSE)
 motorized bicycle 377.03, 377.07
 one-way street 331.30
 parks, in 563.26
 passing
 driver duties 331.03
 grade crossings 331.06
 intersections 331.06
 left of center 331.05
 left side 331.03
 no passing zones 331.07
 prohibitions 331.06
 right side 331.02, 331.04
 yellow lines 331.07
 pedestrian (see PEDESTRIAN)
 racing motor 331.36
 reckless
 failure to control 331.34, 333.08
 full time and attention 331.34
 prohibited 333.09
 willful, wanton disregard 333.02
 right of way
 funeral procession 331.24
 intersections 331.16
 public safety vehicle 331.21
 turning left 331.17
 right side of road 331.01
 rotary traffic island, around 331.30
 safety zone, through 331.29
 seat belt use required 337.27
 shortcutting 331.41
 sidewalk, street lawn,
 curb; on 331.37
 signals 331.14, 331.15
 speed (see SPEED)
 squealing tires 331.36
 starting vehicle 331.13
 stopping vehicle 333.04
 stop signs
 emergency or public
 safety vehicle 331.20
 operation at 331.14, 331.19
 street under repair 331.26
 turning
 alleys 331.11
 buildings 331.11
 driveways 331.11

DRIVING (Cont.)			DWELLING HOUSE CODE (see HOUSING CODE)	
turning (Cont.)			ELECTIONS (see also INITIATIVE, REFERENDUM AND RECALL)	
intersections	331.10		Charter amendments	Chtr. 21.02
left, right of way	331.17		Constitution; State	
right on red	313.03(c)(2)		laws	Chtr. 18.02
signals	331.14, 331.15		nominations;	
U turn	331.12		elections	Chtr. 18.01, 18.02
unsafe vehicle	337.01		political signs	1165.07(j)
weaving	331.34		special	Chtr. 18.02
willful, wanton disregard	333.09		ELECTRICAL	
yellow line	331.07		housing requirements	1409.04
yield signs, operation at	331.18		permit fees	1312.07
DRUG ABUSE			Inspector (see ELECTRICAL INSPECTOR)	
adulterated food	537.13		ELECTRICAL INSPECTOR	
contraband seizure	139.04		authority	1315.02
counterfeit controlled			compensation	1315.04
substances	513.13		definitions	1315.01
dangerous drugs	513.06		inspection fees	1315.03
definitions	513.01		ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (see also WHEELCHAIR)	
driving under influence	333.01		regulations	371.12
drug paraphernalia	513.12		EMBLEM	
drug samples	513.08		motor vehicle, illegal use	525.14
hypodermic, possession and			EMERGENCY	
dispensing	513.04, 513.10		cable television facilities	
instruments	513.04		available	751.04(n)
intoxicants, harmful			false alarm	509.07
nitrous oxide in vehicle	513.11		improper use of 911	509.08
possession or use	513.07		Mayor's powers	131.01
labels, prescription	513.09		misconduct at	509.05
marihuana			ordinances	Chtr. 4.15
gift	513.02		telephone party line	
illegal cultivation	513.06		yielding	537.12
possession or use	513.03		traffic direction	303.02
permitting	513.05		traffic regulations	305.10
possession or use	513.13		water	131.01(l)
toxic glue	513.14		EMERGENCY OPERATIONS	
use by commercial driver	341.04		PLAN	131.06
walking on street under			EMERGENCY VEHICLE (see also PUBLIC SAFETY VEHICLE)	
influence	371.09		defined	301.11
weapon using while			exemptions	303.041
intoxicated	549.03		following, parking near	331.27
DRUNK DRIVING	333.01		siren, whistle, bell	337.19
DUI	333.01		speed exceptions	333.06
DWELLING (see specific zoning district)			stop sign or signal, effect	331.20
apartment security (see APARTMENT SECURITY)				
Housing Code requirements (see HOUSING CODE)				
occupancy (see OCCUPANCY)				

EMPLOYEES, MUNICIPAL	Ch. 155	ER-2 ESTATE RESIDENTIAL	
civil service; classified		DISTRICT (Cont.)	
and unclassified		uses	
service	Chtr. 13.02	conditional	1137.04
compensation set by		permitted	1137.03
Council	Chtr. 4.05, 4.17	water and sewer standards	1137.10
conflict of interest	Chtr. 23.01	yard requirements	1137.08
Council employees	Chtr. 4.09	ETHNIC INTIMIDATION	541.08
disability, pension and		EXCAVATIONS	
retirement system		abandoned, protection	521.03
pick up by City	155.02	basement covering and	
removal, discipline	Chtr. 23.02	completion	1317.03
EQUAL OPPORTUNITY (see		building construction,	
AFFIRMATIVE ACTION		driveway	909.01
PROGRAM)		parking near prohibited	351.03(k)
ER-1 ESTATE RESIDENTIAL DISTRICT		sewer construction	921.09
(see also ZONING		water service (see WATER)	
DISTRICTS)		EXPLOSIVES (see also WEAPONS)	
development standards	Ch. 1167	definitions	301.12, 549.01
dwelling dimensions	1136.06(a)	vehicles transporting	339.06
height regulations	1136.05	FALSE REPORTS	
land use limitations	1136.02	fire alarms	509.07
lot		inducing panic	509.06
area required	1136.07	FALSIFICATION	
coverages	1136.06(b)	driver's license application	335.04(e)
parking, off-street	1136.09	false information to	
public improvements	1136.11	police officer	303.13
purpose	1136.01	identity fraud	545.21
uses		license plate registration	335.09(f)
conditional	1136.04	prohibited	525.02
permitted	1136.03	FAMILY CARE HOME	
water and sewer		definitions	1123.03, 1123.21
standards	1136.10	FEES	
yard requirements	1136.08	alarm system	
ER-2 ESTATE RESIDENTIAL DISTRICT		false alarm	715.06
(see also ZONING		permit	715.03(e)
DISTRICTS)		bicycle license	373.17(c)
development standards	Ch. 1167	billiard room	
dwelling dimensions	1137.06(a)	license	713.03, 713.08
height regulations	1137.05	certificate of	
land use limitations	1137.02	occupancy	1312.15
lot		coin machine	711.04
area required	1137.07	commercial and heavy	
coverages	1137.06(b)	vehicle permit	339.02
parking, off-street	1137.09	community antenna television	
public improvements	1137.11	system	751.08
purpose	1137.01		

FEES (Cont.)

construction materials	
occupying public places	1312.11
design, review	1197.04
development plan	
final	1108.07
PCC District	1153.06(c)
PD District	1151.14
Residential Overlay District	1152.01(m)
driveway inspection	909.04
electrical inspection	1315.03
exemptions, building	1312.16
fence erection	1171.02
flood plain use permit	1191.06
garbage pickup and disposal	941.15
home occupation permit	1177.04
mechanical amusement device	711.04, 711.11
Parks and Recreation Board	153.04
pawnbroker license	705.07
peddler license	721.06
photocopy charge	133.08
occupancy, multiple dwelling	1419.02
residential building inspection	1312.18
satellite signal-receiving earth station installation and construction	1312.088
sewer connection	921.03
sexually oriented business license	771.07
sidewalk construction	903.04
signs	
erector permit	1165.03
inspection	1165.27
permit	1165.20
solar energy permit	1312.085(c)
street food vendor's license	733.03
subdivision without plat application	1106.02
swimming pool inspection	1325.09
taxicab	
driver's license	731.12
license	731.01
unplatted subdivision application	1106.02
weed mowing	945.08
zoning and building variance request	147.04
zoning certificate	1129.06

FENCES

barbed wire	1171.04
definitions	1123.22, 1171.01
electric	1171.04
Housing Code requirements (see HOUSING CODE)	
permit	1171.02
permitted	1167.15
residential districts, additional regulations	1167.08
screening	1167.20
standards	1171.04
swimming pool	1325.08
zoning requirements (see also specific zoning district name)	Ch. 1171

FILMS (see MOVIES, FILMS AND VIDEOS)

FINAL PLAT

approval	1105.05
Council action	1105.06
filing	1105.04
land development	1105.10
landlocked parcels prohibited	1105.08
land owner's action	1105.09
revision after approval	1105.12
sale of land	1105.11

FINANCE

check or ACH return charge	133.05
cooperative purchasing with State	133.10
co-signatures on checks	133.03
expenditures estimate	Chtr. 3.08
fund reconciliation statement	133.051
outstanding checks	133.052

FINANCE DEPARTMENT

Auditor to co-sign checks	133.03
Deputy Auditor's tax duties	161.10 et seq.
Director	
appointment;	
vacancy	Chtr. 5.01
Assistant	Chtr. 5.02
compensation	Chtr. 5.02
department head	Chtr. 5.01
powers and duties	Chtr. 5.02
Records Commission, member of	157.02
Deputy Director's duties	133.01

FINE			FLOOD HAZARD AREAS (Cont.)	
failure to pay	525.15		Board of Zoning and	
FIRE			Building Appeals	1191.17
false alarm	509.07		boundary interpretation	1191.11
parks, in	563.15		compliance	1191.08
FIREARM (see WEAPONS)			definitions	1191.05
FIRE CHIEF			findings of fact	1191.02
fireworks display permits	549.09		flood plain use permit	
FIRE CODE (see BOCA FIRE CODE)			application; fee	1191.12
FIRE DEPARTMENT			exemption	1191.14
civil service	Chtr. 8.04		required	1191.12
Director of Public Safety			floodways	1191.21
as head	Chtr. 8.02		general provisions	1191.04
organization and			information	1191.09
membership	Chtr. 8.04		interpretation	1191.10
protection by Mifflin			penalty	1191.99
Township	Chtr. 8.04		purpose	1191.03
rules and regulations			reducing losses	1191.04
authority	Chtr. 8.05		standards	
FIRE HOSE			general	1191.19
driving over	331.28		specific	1191.20
FIRE LANE			statutory authorization	1191.01
designation; compliance;			uses	
parking	351.17		nonconforming	1191.24
FIREMAN			permitted	1191.23
emergency traffic direction			prohibited	1191.22
power	303.02		variances	1191.18
FIRE PREVENTION (see BOCA			violations	1191.99
FIRE CODE)			warning; liability disclaimer	1191.11
FIRE PROTECTION SERVICE	929.15		watercourse alteration	1191.10
FIRE SAFETY ARBITRATION			Zoning Administrator	
BOARD	1501.12		decision	1191.13
FIRE SAFETY INSPECTOR	1501.04		designation	1191.15
FIRE STATION			duties	1191.16
parking near prohibited	351.03(j)		FOOD	
FIRE TRUCK			adulterated	537.13
approaching when stationary	333.031		vendors (see STREET	
following, parking near	331.27		FOOD VENDORS)	
FIREWORKS (see also EXPLOSIVES)			FORGERY	
possession, sale or			identification card	545.20
discharge	549.10		identity fraud	545.21
FLAMMABLE LIQUID			FOWL (see ANIMALS)	
defined	301.14		FRANCHISE	
FLOOD HAZARD AREAS			amendment; renewals	Chtr. 20.01
abrogation; greater restrictions	1191.09		granting	Chtr. 20.01
administration	1191.05		regulations	Chtr. 20.02
applicable lands	1191.06			
basis for areas	1191.07			

FRAUD			GARAGE OR YARD SALE	
bad check passing	545.09		signs	1165.07(f)
credit card	545.10		GARBAGE AND RUBBISH (see SOLID WASTE)	
creditors	545.17		GRASS	
definitions	545.01		mowing fees	945.08
identification card forgery	545.20		prohibited	
identity fraud	545.21		private property	945.06
insurance	545.07		public property	945.07
personating an officer	545.16		GUN (see WEAPONS)	
securing writings by deception	545.15		HALLOWEEN	
FREEWAY (see STREET)			adulterated food	537.13
FUNDS			HANDICAPPED PERSON	
Accumulated Vacation and Sick Pay Trust Fund	133.097		blind pedestrian	371.02
Capital Improvements	133.09		mobility device	371.12
Enforcement and Education	133.092		parking locations	351.04
Gahanna Cops Fast Fund	133.096		wheelchair, motorized	
Gahanna Police Duty Weapons Fund	133.094		defined	301.52
Law Enforcement	133.091		operator's rights	371.11
Mayor's Court Computer Fund	133.093		HEARING (see subject of hearing)	
Miscellaneous Permanent Improvement	133.04		HEALTH	
monthly reconciliation statement	133.051		Housing Code requirements (see HOUSING CODE)	
Parks and Recreation Special Fund	133.095		HEALTH REGULATIONS	
Public Landscape Trust Fund	133.098, 154.04		adoption; enforcement	Ch. 943
Stormwater Management	133.07		Public Safety Director, enforcement by	Chtr. 8.02
Urban Redevelopment Tax Increment Equivalent	133.06		HEATING AND AIR CONDITIONING	
Vending Machine Income	133.02		fees	1312.06
FUNERAL PROCESSION			Housing Code requirements (see HOUSING CODE)	
driving in	331.24		HEIGHT REGULATIONS (see specific zoning district)	
GAMBLING			HIGHWAY (see STREET)	
bingo (see BINGO)			HITCHHIKING	371.06
bookmaking	517.02		HIT-SKIP (see ACCIDENT)	
cheating	517.05		HOLIDAY DECORATIONS	1165.07(g)
definitions	517.01		HOME OCCUPATIONS	
destruction of devices	711.08		appeals	1177.09
devices, seizure and destruction	711.08		definition	1177.02
games of chance			penalty	1177.99
conducting	517.02(d)		permit	
records	517.11		application approval	1177.05, 1177.06
operating house	517.03		requirements; fee	1177.04
parks, in	563.08		revocation	1177.08
prohibited conduct	517.02		purpose of regulations	1177.01
public gaming	517.04		standards	1177.03
raffles	517.08		termination	1177.07
seizure of devices	711.08			

HOME SOLICITATION SALES (see also PEDDLERS AND SOLICITORS)	
applicability	741.02
cancellation rights and procedures	741.03 et seq.
contracts and agreements, preparation	741.04
definitions	741.01
liability	741.06
HOMICIDE	
failure to report	525.05(c)
negligent	537.01
vehicular	537.02
HORN	337.19
HORSES (see ANIMALS)	
HOTEL OR MOTEL	
adult	771.14
bed and breakfast inn (see BED AND BREAKFAST INN)	
minors engaging accommodations	529.02
HOTEL/MOTEL TAX	
assessments; four-year limitation	165.07, 165.08
collection	165.10
corporate officers or employees liable	165.12
definitions	165.01
false evidence of tax-exempt status	165.09
imposition	165.02
liability, assessment; reassessment	165.07
payment	165.03, 165.09
penalty	165.07, 165.99
rebates, prohibition against	165.10
records; inspection	165.05
refunds; illegal or erroneous payments	165.04
reports	165.11
returns	165.06
HOUSING CODE	
definitions	Ch. 1401
facility standards	
bathroom	1407.02
bathub, shower	1407.04
doors	1407.05
egress	1407.06
hallways	1407.09

HOUSING CODE (Cont.)	
facility standards (Cont.)	
kitchen	1407.01
lavatory sink	1407.03
locks	1407.08
performance	1407.10
private access	1407.07
lighting	
electricity	1409.04
natural light	1409.01
nonhabitable rooms	1409.03
openable window area	1409.02
public areas	1409.05
maintenance responsibilities	
occupants	1405.02
owners	1405.01
multiple dwellings	
inspections	1419.04
nonresident owner's agent	1419.06
occupancy permit	
appeals	1419.11
application	1419.03
display	1419.08
fee	1419.05
issuance	1419.02
reinstatement	1419.12
required	1419.01
suspension	1419.09
reinspection	1419.10
resident owner's agent	1419.07
occupancy standards	
basement occupancy	1415.03
bathroom not to be passageway	1415.05
below-grade spaces	1415.04
closets	1415.06
floor space	1415.01
room height	1415.02
penalties	
Code rule violation	1423.02
Code violation	1423.01
Property Maintenance Code (see INTERNATIONAL PROPERTY MAINTENANCE CODE)	
rooming houses	
access, egress	1417.06
general provisions	1417.03

HOUSING CODE (Cont.)		HYPODERMIC	
rooming houses (Cont.)		possession, dispensing	513.04, 513.10
handrails, balusters	1417.07	IDENTIFICATION CARD	
interior access	1417.08	forgery	545.20
linens	1417.04	identity fraud	545.21
occupancy	1417.05	misrepresentation	529.021
operator	1417.01	IMMOBILIZATION ORDER	
plumbing	1417.02	driving under	333.10
safety and sanitation		IMPERSONATION	
accessory structure	1413.12	identity fraud	545.21
exterior painting	1413.02	law enforcement officer	
fences	1413.11	to defraud	545.16
flashing	1413.15	peace officer, private	
floors, interior walls,		police officer	525.03
ceilings	1413.03	IMPORTUNING	533.05
grading for drainage	1413.05	IMPOUNDING	
insect-proofing	1413.09	animals	505.02
kitchen and bathroom		bicycle	373.13
floors	1413.06	private tow-away zones	303.082
means of egress	1413.14	vehicle	
protection from water,		private residential or	
weather	1413.01	agricultural property	303.081
rain carriers	1413.08	release; records; charge	303.083
ratproofing	1413.10	traffic violation	303.08
stairs and porches	1413.07	IMPROVEMENTS (see also DESIGN	
toxic paint, interiors	1413.04	STANDARDS,	
utility discontinuance	1413.13	SUBDIVISIONS)	
thermal standards		concrete standards	
clearance	1411.03	determination	915.01
heating facilities	1411.01	specifications	915.02
unvented space heaters	1411.02	construction drawing	
ventilation		requirements	1107.04
openable window area	1409.02	dedicated, acceptance	1105.07
structural spaces	1409.07	defined	1101.04
utility spaces	1409.06	driveway escrow account	1317.05
violation notice		sidewalk escrow account	1317.05
contents	1421.01	street name signs	Ch. 905
liability of transferees	1421.05	street required before	
reinspection	1421.02, 1421.03	building permit	1317.01
second notice	1421.04	subdivisions	
HUMAN RESOURCES DEPARTMENT		bond, fees, insurance	1107.03
Acting Director	138.05	inspection	1107.02
Charter provision	Chtr. 14.01	inspection and	
Director		supervision cost	136.02
additional employment;		required	1107.01
public office	138.04	INCOME TAX	
duties and responsibilities	138.03	collection at source	161.07
qualifications	138.02	contractors' registration	161.09
vacancy	138.05	contract provisions	161.19
established	138.01	declarations	161.08
powers and duties	Chtr. 14.02	definitions	161.01
HUNTING			
prohibited	505.11		

LICENSE (Cont.)			
sexually oriented			
business	771.04 et seq.		
sign erectors	1165.03		
street food vendor	733.01		
taxicab licensing	731.01 et seq.		
LICENSE PLATES			
display	335.09, 335.10		
expired	335.09		
illegal			
impounding vehicle	303.08		
use of	335.09, 335.11		
rear, illumination	337.04		
unlawful	335.09		
unobstructed	335.10		
LIGHTING - VENTILATION			
Housing Code requirements (see HOUSING CODE)			
LIGHTS, VEHICLE (see VEHICLE LIGHTS)			
LIMITATION OF PROSECUTION	501.06		
LIQUOR (see INTOXICANTS; INTOXICATION)			
LITTERING			
motor vehicle, from	331.42		
parks, in	563.04		
prohibited	521.08		
LOITERING			
solicitation, to engage in	533.091		
LOTS			
definitions	1123.36 et seq.		
filling, draining	521.05		
LOT SPLITS			
unplatted subdivisions	Ch. 1106		
M-1 MANUFACTURING DISTRICTS			
conditional uses	1155.02		
height restrictions	1155.04, 1167.03		
Overlay District	1152.02		
permitted uses	1155.01		
required conditions	1155.03, Ch. 1167		
residence districts,			
abutting	1155.06, 1167.20		
yards	1155.05, 1167.15, 1167.18		
MANHOLE COVER			
tampering with	313.08		
MANSLAUGHTER, VEHICULAR	537.02		
MANUFACTURED HOME			
occupying moving	331.35		
MARIHUANA (see DRUG ABUSE)			
MAYOR			
acting mayor	Chtr. 3.06		
appointments	Chtr. 3.04		
authority	131.04		
compensation set by			
Council	Chtr. 4.17		
election and term	Chtr. 3.01		
emergency			
powers	131.01		
proclamation	131.02		
termination, extension	131.03		
Emergency Operations Plan	131.06		
estimate of expenditures	Chtr. 3.08		
full-time	131.07		
obedience to lawful order	131.05		
ordinances and resolutions			
presented to	Chtr. 4.05(b)		
powers			
administrative	Chtr. 3.04		
executive	Chtr. 3.04		
judicial	Chtr. 3.03		
removal, discipline, etc.	Chtr. 23.02		
veto	Chtr. 3.05		
qualifications	Chtr. 3.02		
Records Commission,			
member of	157.02		
vacancy	Chtr. 3.07		
veto	Chtr. 3.05		
water service control	131.01(l)		
MAYOR'S COURT			
Computer Fund	133.093		
failure to pay fine	525.15		
MECHANICAL AMUSEMENT DEVICES (see also COIN MACHINES)			
affidavit of ownership	711.13		
age warning sign	711.28		
billiard tables; license	711.24		
definitions	711.01		
gambling	711.14		
hours of operation	711.21		

MECHANICAL AMUSEMENT
DEVICES (Cont.)

license	
additional	711.12
application	711.06
arcade	711.10
denial	711.04
fees	
exemptions	711.05
schedule	711.11
information	711.15
issuance	711.03
not obtained	711.19
required	711.02
restrictions	711.07
revocation	711.17
separate	711.09
tag	711.18
term	711.16
transfer	711.08, 711.25
minor	
deception	711.26, 711.27
operation	711.20
prohibitions	711.22
records	711.23
MEETING (see also specific subject involved)	
disturbing lawful	509.04
MENACING (see also THREATS)	
aggravated	537.05
physical harm	537.06
stalking	537.051
MINI-BIKE (see ALL PURPOSE VEHICLE)	
MINOR (see also JUVENILE)	
bicycle riding on streets	373.11
billiard rooms	713.11
contributing to delinquency of	537.18
criminal child enticement	537.17
curfew (see CURFEW)	
distributing to	
cigarettes, tobacco	537.16
harmful intoxicants	513.11
electric personal assistive mobility device	
use	371.12(b), (c)
endangering	537.07
firearm purchase	549.07
intoxicant sales	529.02, 529.06

MINOR (Cont.)

mechanical amusement devices	
deception	711.26, 711.27
operation	711.20
sexually oriented business, in	771.19
unlawful sexual conduct with	533.03
vehicle child restraint system	337.26
MISDEMEANOR (see OFFENSE)	
MISSILES	549.09
MOBILE HOMES	
occupying moving	331.35
prohibited	1159.04
MOPED (see MOTORIZED BICYCLE)	
MOTEL TAX (see HOTEL/MOTEL TAX)	
MOTORCYCLE (see also BICYCLE)	
brakes	337.18
defined	301.19
driver's license	335.01
glasses, safety	373.02
handle bars	373.02
headlight	337.03
helmets	373.02
license to operate	335.01(a)
muffler	337.20
off-highway (see MOTORCYCLE, OFF-HIGHWAY)	
passengers	373.02
rear-view mirror; unobstructed view	337.21
riding abreast	373.04
seat, use	373.02
vehicle, attaching to	373.03
MOTORCYCLE, OFF-HIGHWAY	
accident reports	375.07
certificate of title	375.08
definitions	375.01
equipment	375.02
licensing requirements, operator	375.05
operation	
permitted	375.04
prohibited	375.03
penalty	375.99
Traffic Code application	375.03
vehicle registration	375.06

MOTORIZED BICYCLE

accident, stopping after upon property other than street	377.11
upon street	377.10
attaching to vehicle	377.04
collision with unattended vehicle	377.10
control and speed	377.08
definitions	301.04(b), 377.01
equipment	377.06
license required; expiration	377.02
lights	337.02
operation	
manner	377.07
restrictions	377.03
single file	377.05
parking	377.09
penalty	377.99
riding	377.05

MOTOR VEHICLE

all purpose (see ALL PURPOSE VEHICLE)	
bicycle, attaching to vehicle	373.03
certificate of title	335.08
City-owned, usage charges	135.09
definitions	301.20, 301.51
driving (see DRIVING)	
emblem, illegal use	525.14
entering or leaving moving vehicle	371.06
equipment (see VEHICLE EQUIPMENT)	
homicide by	537.02
immobilization order	333.10
impounding	
private residential or agricultural property	303.081
release; records; charges	303.083
traffic violation	303.08
junk (see JUNK MOTOR VEHICLE)	
key removal	303.03, 351.07
license plates (see LICENSE PLATES)	
license tax (see MOTOR VEHICLE LICENSE TAX)	
lights (see VEHICLE LIGHTS)	
liquor consumption; open container	529.04
noise	331.36

MOTOR VEHICLE (Cont.)

operation (see DRIVING)	
parking (see PARKING)	
parks, in	563.29
riding on outside	371.06
sled, attaching to vehicle	373.03
slow moving (see COMMERCIAL AND HEAVY VEHICLE)	
snowmobile (see SNOWMOBILE)	
storage in parks	563.29
towing	339.07
trespass	545.06
trucks (see COMMERCIAL AND HEAVY VEHICLE)	
unauthorized use	545.06
unsafe, prohibited	337.01
vehicular vandalism	541.09
weapon handling in	549.04
MOTOR VEHICLE LICENSE TAX	
certification to State	163.06
collection during registration	163.04
effective date, duration	163.03
imposition	163.01
motor vehicle defined	163.02
purpose	163.05
MOTOR VEHICLE OPERATION (see DRIVING)	
MOVIES, FILMS AND VIDEOS	
adult; sexually oriented	771.15
PEG requirements	931.15
MOVING OF BUILDINGS	
fees	1312.12
MUFFLER (see VEHICLE EQUIPMENT)	
MUNICIPALITY (see also CITY)	
usage charges for vehicles or equipment	135.09
MUSEUM	
desecration	541.07
rights; property damage	545.04
NC NEIGHBORHOOD COMMERCIAL DISTRICT	
conditional uses	1153.02(b)
development standards	1153.02(c), Ch. 1167
permitted uses	1153.02(a)
NEGLIGENT HOMICIDE	537.01

NOISE (see also DISTURBING THE PEACE)		OBSTRUCTIONS	
control		building materials fee	1312.11
definitions	559.01	drainage	
exemptions	559.04	construction	911.01
inspection	559.05	driveway	909.01
issuance of orders	559.07	intersection; crosswalk	331.33
levels for land		sidewalk	521.04
use districts	559.02	sidewalk with trees,	
penalty	559.99	shrubbery (see TREES	
prohibited acts	559.03	AND SHRUBBERY)	
severability	559.08	sidewalks; construction work	909.01
variance procedure	559.06	street	311.01
disorderly conduct	509.03	street, railroad by	553.01, 553.011
dogs barking or howling	505.09	trees, shrubs (see TREES	
motor vehicle	331.36	AND SHRUBBERY)	
muffler	337.20	watercourse	521.05
public nuisance	1167.21	OCCUPANCY	
vehicle sound amplification		basement	1415.03
systems	331.361	driveway completion	1317.05
NONCONFORMING USES		Fire Prevention Code	
changes; continuance	1161.02,	requirements	1501.06, 1501.08
	1161.03	Housing Code requirements (see	
continuance	1129.04	HOUSING CODE)	
defined	1123.41	multiple dwelling	
discontinuance	1161.04	permit	1419.02 et seq.
Flood Plain District	1191.09	standards (see HOUSING CODE)	
purpose	1161.01	OCCUPANCY CERTIFICATE	
repairs and maintenance	1161.05	permit and fee	1312.15
signs	1165.17	sidewalk completion	1317.05
NUDITY		ODORS	
public; prohibition	771.18	noxious or offensive	521.09
NUISANCE		public nuisance, USTEB	1167.21
animals	505.08	OFFENSE (see also individual	
public	1167.21	subject involved)	
NUMBERING BUILDINGS	1321.01	attempt	501.09
OBSCENITY		classification	501.02
definitions	533.01	common law, abrogated	501.03
materials harmful to		complicity in commission	501.10
juveniles (see JUVENILE)		compounding	525.04
parks, abusive		construction, rules of	501.04
language in	563.09	failure to report	525.05
presumption of knowledge;		fraud (see FRAUD)	
actual notice and		gambling	517.01
defense	533.02	jurisdiction	501.05
telephone call, obscene	537.10	liability	501.07
OBSTRUCTING JUSTICE	525.08	organizational (see ORGANIZATION)	
OBSTRUCTING OFFICIAL		penalty	501.99
BUSINESS	525.07	prior conviction	501.04(c)

- OFFENSE (Cont.)
 prosecution limitation 501.06
 sexual (see SEXUAL OFFENSES)
 theft (see THEFT)
 violent, defined 501.01
- OFFENSES AGAINST PERSONS (see individual subject involved)
- OFFENSES AGAINST PROPERTY (see individual subject involved)
- OFFICIAL STANDARDS
 City Flag 103.02
 corporate seal 103.01
- OFFICIALS, MUNICIPAL (see also PUBLIC SERVANT)
 conflict of interest Chtr. 23.01
 recall and
 petitions Chtr. 19.03, 19.04
 removal power Chtr. 23.02
- OFF-STREET PARKING (see also PARKING)
 bed and breakfast inns 1175.04(b)
 churches 1163.01(c)
 compliance 1163.04
 driveways 1163.03
 ER-1 Residential District 1136.09
 ER-2 Residential District 1137.09
 landscaping, interior 1163.08
 lighting, striping,
 traffic control 1163.06
 penalty 1163.99
 R-3 Residence District 1143.07
 recreational vehicle with
 zoning certificate 1167.07
 residential limitations 1163.09
 SF-1 Residential District 1139.09
 SF-2 Residential District 1141.09
 SF-3 Residential District 1143.09
 spaces
 handicapped 1163.07
 schedule of minimum 1163.02
 size; location 1163.01
 surfacing, maintenance 1163.05
- OHIO BUILDING CODE (see BUILDING CODE, OHIO)
- OLDE GAHANNA DISTRICT
 development standards Ch. 1167
 Overlay District 1152.02
 signs 1165.17
- ONE, TWO AND THREE FAMILY DWELLING CODE
 adoption 1303.01
 ONE-WAY STREET 331.30
- OPEN MEETINGS
 definitions 107.01
 information from Clerk 107.07
 meeting notice
 business discussion 107.06
 emergency 107.05
 organizational 107.02
 regular 107.02
 special
 media 107.04
 procedure 107.03
- OPERATOR'S LICENSE (see DRIVER'S LICENSE)
- ORDINANCES AND RESOLUTIONS Ch. 123
 adoption by reference Chtr. 4.16
 amendment Chtr. 4.12
 codification of ordinances
 (see CODIFIED ORDINANCES)
 compensation Chtr. 4.17
 Council duties Chtr. 4.05(a)
 effective date Chtr. 4.14
 elector power to approve
 or reject Chtr. 19.02
 emergency Chtr. 4.15
 initiative petition, by
 legislative procedure, Chtr. 19.01
 general Chtr. 4.12
 public notice, posting Chtr. 4.13
 readings Chtr. 4.12
 signing, attesting Chtr. 4.05(b)
 voting Chtr. 4.12
- ORGANIZATION
 liability 501.11
 penalty 501.99(b)
 personal accountability 501.12
- PARADES
 civic or military processions 311.04
 permit 311.02
- PARK BOARD
 establishment 157.01
 powers and duties 157.02
- PARK CONDUCT RULES
 abusive language, conduct 563.09
 boating 563.24
 camping 563.14

PARK CONDUCT RULES (Cont.)

definitions	563.01
disorderly conduct	563.06
engine powered toys	563.25
firearms, weapons	563.05
fires	563.15
fishing	563.18
games of chance	563.08
golfing	563.23
horseback riding	563.21
hours of operation	563.16
hunting, trapping or molesting wildlife	563.17
intoxicants	563.08
littering, dumping	563.04
motor vehicle storage	563.29
nature trails; open spaces	563.03
orders; compliance	563.13
parking	563.28
penalty	563.99
pets	563.19
property destruction	563.02
releasing of plants and animals	563.20
signs; advertising	563.12
soliciting; sales	563.10
special events	563.07
speed limit	563.27
swimming	563.22
toilet facilities	563.11
traffic	563.26

PARKING (see also OFF-STREET
PARKING)

advertising on vehicle	351.15
alleys and narrow streets, in	351.11
bicycle	373.09
brake, setting	351.07
commercial vehicles	351.18
defined	301.21
double	351.03(l)
driveways or garage entrances, interfering with	351.10, 351.20
emergency vehicle, near	331.27
fire lane	351.17
handicapped, locations	351.04(e)
highway or street	351.12
impounding vehicle	303.08, 351.01
junk vehicles	1163.04
key removal	303.03, 351.07

PARKING (Cont.)

liability for violation	351.02
lights required	337.09
loading zone	351.09
mailbox, near	351.20
maximum time limit	351.05
motorized bicycle	373.09
narrow streets	351.11
near curb	351.04
opening door on traffic side	351.08
owner prima-facie liable	351.02
parallel	351.04
parks, in	563.28
private property posted	351.19
prohibitions	351.09
prohibited places	351.03, 351.12, 351.20
recreational vehicles and boats	351.18
recreational vehicle with zoning certificate	1167.07
removal of unattended vehicle	351.01
residential, off-street (see also OFF-STREET PARKING)	
commercial vehicles	1163.04
junk, inoperable vehicles	1163.04
trailers	1163.04, 1167.07
trucks	1163.04
safety vehicle, near	331.27
selling from vehicle	351.16
selling or repairing vehicle	351.06
stopping engine	351.07
taxicab	731.01(b)
trucks; night	351.13
unattended vehicle brake setting	351.07
obstructing traffic	351.01
stopping engine	351.07
violation: owner liable	351.02
waiver	351.99

PARKS AND RECREATION

BOARD (see also

BOARDS OR COMMISSIONS)

creation	153.01
fees, setting of	153.04
organization	153.02
powers and duties	153.03

**PARKS AND RECREATION
DEPARTMENT**

administration	151.03
children's programs; Special Fund	133.095
Director's powers; duties	151.02
organization	151.01

PAWNBROKERS

definitions	705.01(a)
exclusions	705.10
hours and days of operation	705.09
income tax bond	705.08
license	
application; fee	705.07
certificate posted	705.01(b)
penalty	705.99
police	
inspections by	705.03
reports to	705.04
prohibited pledges and customers	705.06
records; information	705.02
regulations posted	705.01(b)
retention of articles	705.05

**PCC PLANNED COMMERCIAL
CENTER DISTRICT**

conditional uses	1153.06(b)
development plan	1153.06(c)
development standards	1153.06(d), Ch. 1167
permitted uses	1153.06(a)

PD DISTRICT

approval, effect of	1151.09
conditional uses	1151.03
Council action	1151.08
definitions	1151.15(b)
development standards	1151.04, 1151.15(q), Ch. 1167
fees	1151.14
notice publication; posting of property	1151.07
permitted uses	1151.02
Planning Commission action	1151.06, 1151.11
approval	1151.13
plan variations	1151.12

PD DISTRICT (Cont.)

plat and development plan	1151.10 et seq.
procedures	1151.05 et seq.
purpose and intent	1151.01
uses	1151.15(c), (d)
zoning in future	1151.16

**PEDDLERS AND SOLICITORS (see
also CREEKSIDE ISLAND
PEDDLER)**

canvassing (see CANVASSING AND SOLICITATION)	
home solicitations	Ch. 741
selling from parked vehicle	351.16

PEDESTRIAN

blind person	371.02
bridge or railroad crossing, on	371.10
control signal	313.05
crosswalk	
right of way	371.01
use	371.04
defined	301.22
diagonal crossing of intersection	371.03
electric personal assistive mobility device	371.12(b)
freeway use prohibited	303.06
hitchhiking	371.06
intoxicated on street	371.09
jaywalking	371.03
right of way, yielding	371.03, 371.08
sidewalk, right of way	371.07
sidewalk, use required	371.05
signals	313.05
soliciting ride	371.06
street or highway, on	371.05
wheelchair, motorized	371.11
yielding to public safety vehicle	371.08

PEEPING TOM

**PENALTY (see also specific
enforcing chapter)**

BOCA Fire Code	1501.99
failure to pay fine	525.15
Fire Prevention Code	1501.99
Flood Plain District	1191.99

PENALTY (Cont.)					
Housing Code	1423.01, 1423.02				
offense, general	501.99				
Ohio Building Code	1301.99				
parking waiver	351.99				
Traffic Code	303.99				
Zoning Ordinance	1127.99				
PERMIT (see also LICENSE)					
alarm system	715.02				
building (see BUILDING PERMITS AND FEES)					
commercial and heavy vehicle use	339.01				
community antenna television system	751.09				
drainage obstruction/diverting	911.01				
fence erection	1171.02				
fireworks display	549.09				
flood plain use	1191.12				
home occupation	1177.04				
intoxicant sale or manufacture	529.05				
occupancy certificate (see OCCUPANCY)					
occupancy of multiple dwellings	1419.02				
parades; street assembly	311.02				
right of way	931.05 et seq.				
satellite earth station	1179.07, 1333.02				
sewer connection	921.03				
sewer tapper permit	921.06				
sidewalk	903.04				
signs	1165.19				
solar energy	1312.085				
storage buildings and sheds	1329.02				
student parking	351.18				
temporary driver's instruction	335.03				
watercourse obstruction/diverting	911.01				
zoning certificate required	1129.01				
PINBALL MACHINES (see MECHANICAL AMUSEMENT DEVICES)					
PLANNED INDUSTRIAL PARK DISTRICTS					
building requirements	1157.03(b)				
lot requirements	1157.03(a)				
purpose	1157.01				
uses	1157.02				
zoning procedure	1157.04				
PLANNED DISTRICT (see PD DISTRICT)					
PLANNING COMMISSION (see also BOARDS OR COMMISSIONS)					
Chairman's duties	Chtr. 11.03				
Council, recommendations to	Chtr. 11.06				
design review	1197.06				
flood hazard areas decision	1191.08				
duties	1191.07				
meetings, public	Chtr. 11.02				
membership	Chtr. 11.01				
organization	Chtr. 11.02				
powers and duties	Chtr. 11.03, 145.01				
referrals, mandatory	Chtr. 11.04				
scope of advisory powers	Chtr. 11.03				
Thoroughfare Plan	145.02				
variance recommendations	1103.02				
zoning amendment procedures	1133.01 et seq.				
zoning powers and duties	1125.01, 1125.02				
PLAT					
approvals	1105.03, 1105.04				
approval without (see SUBDIVISION)					
defined	1101.06				
environmental plan	1109.12				
final (see also FINAL PLAT) approval	1105.05				
filing fee, planned unit development	1151.14				
procedure; contents	1105.04				
Planned Unit Development plat required	1151.09 et seq.				

PLAT (Cont.)			POLICE VEHICLE	
preapplication sketch			approaching when stationary	333.031
required	1105.01		POLLUTION	
preliminary			exhaust, vehicle	337.20
approval	1105.03		motorcycle noise	337.20
procedure; contents	1105.02		mufflers	337.20
public areas	1109.08		noxious or offensive odors	521.09
zoning certificate	1129.02		nuisances, public	1167.21
zoning requires	1167.14		sewer discharge	
PLUMBING			restrictions	921.10, Ch. 925
fees	1312.05		sewer use	921.10, Ch. 925
housing requirements (see			vehicle air cleaner	
HOUSING CODE)			required	337.25
POISONING			POOL ROOMS (see BILLIARD AND	
adulterated food	537.13		POOL ROOMS; GAMBLING)	
animals	505.06		POOL TABLES (see BILLIARD ROOMS)	
POLICE DEPARTMENT (see also			PORNOGRAPHY (see OBSCENITY)	
PUBLIC SAFETY			PRIVATE ROAD	
DEPARTMENT)			right of way	
accident report; fee for			entering	331.17
copy	139.01		leaving	331.22, 331.23
civil service	Chtr. 8.03		turning into	331.11
contraband seizure	139.04		PRIVATE SEWAGE DISPOSAL	
Director of Public Safety			SYSTEMS	921.02, 921.10
as head	Chtr. 8.02		PROCURING (see PROSTITUTION)	
Gahanna Cops Fast Fund	133.096		PROPERTY (see also PROPERTY	
Gahanna Police Duty			DESTRUCTION)	
Weapons Fund	133.094		defined	501.01
mutual assistance	139.03		stolen (see THEFT)	
organization; membership	Chtr. 8.03		unauthorized use	545.06, 545.08
pawnbroker inspections	705.03		PROPERTY DESTRUCTION	
Reserve Police	139.02		arson	541.01, 541.02
rules and regulations			criminal damaging or	
authority	Chtr. 8.05		endangering	541.03
POLICE OFFICER (see also LAW			criminal mischief	541.04
ENFORCEMENT OFFICER)			desecration	541.07
compliance	303.01		library; museum; archival	
emergency traffic direction			institution	545.04
power	303.02		park property	563.02
false information when			railroad vandalism	553.04, 553.05
issuing ticket	303.13		shrubs, trees, crops	541.06
fleeing	303.01		tampering (see TAMPERING)	
ignition key removal	303.03		traffic signals	313.08
misconduct, false allegation of	525.17		vehicular vandalism	541.09
traffic order, compliance			PROPERTY MAINTENANCE CODE	
with	303.01		(see INTERNATIONAL	
POLICE REGULATIONS			PROPERTY MAINTENANCE	
enforcement outside			CODE)	
City	301.99, 501.01		PROSTITUTION	
			defined	533.01
			loitering to engage in	533.091

PROSTITUTION (Cont.)				PUBLIC SERVICE DEPARTMENT	
procuring	533.08			Director	135.01
prohibited	533.10			appointment	Chtr. 6.01
soliciting	533.09			duties	Chtr. 6.03, 6.04
PUBLIC ASSEMBLY				purchasing duties	Chtr. 6.04
nonsmoking areas	521.10			qualifications	Chtr. 6.02
PUBLIC IMPROVEMENTS (see				vehicle allowance	155.01
IMPROVEMENTS)				Deputy Director	135.011
PUBLIC NOTICE				purchasing agent and	
posting ordinances,				procedures	135.03
resolutions		Chtr. 4.13		purchasing requirements	135.04
zoning hearing		Chtr. 11.05		sale of obsolete items	135.02
PUBLIC OFFICIAL (see				PUD (see PD DISTRICTS)	
PUBLIC SERVANT)				PURCHASING (see PUBLIC SERVICE	
PUBLIC SAFETY DEPARTMENT				DEPARTMENT)	
animal officer	137.02			QUARANTINE	
Director				animal bites	505.10
appointment		Chtr. 8.01		QUIET ZONE	
duties		Chtr. 8.02, 137.01		designation authority	305.04(j)
Fire Department				R-4 RESIDENCE DISTRICT	
head, as		Chtr. 8.02		conditional uses	1145.02
part-time position		Chtr. 8.01		development standards	Ch. 1167
Police and Fire				dwelling dimensions	1145.04
Department rules		Chtr. 8.05		future zoning prohibited	1145.07
Police Department				height restrictions	1145.03
head, as		Chtr. 8.02		lot coverage and	
PUBLIC SAFETY VEHICLE (see also				area	1145.04, 1145.05
EMERGENCY VEHICLE)				permitted uses	1145.01
approaching when stationary	333.031			yards	1145.06
defined	301.27			R-5 RESIDENCE DISTRICT	
exemptions	303.041			basements required	1147.10
following, parking near	331.27			conditional uses	1147.04
pedestrian to yield to	371.08			development standards	Ch. 1167
right of way	331.21			dwelling dimensions	1147.06
siren, whistle, bell	337.19			height restrictions	1147.05
speed exceptions	333.06			land use limitations	1147.02
stop sign or signal, effect	331.20			lot coverage and	
PUBLIC SERVANT				area	1147.06, 1147.07
civil rights interference	525.13			off-street parking	1147.09
contract interest	525.10			permitted uses	1147.03
defined	525.01			purpose	1147.01
election (see ELECTIONS)				yards	1147.08
impersonation	525.03			RAILROAD	
improper compensation	525.11			abandoned; obstructing streets	553.011
obstructing	525.07			climbing on cars	553.02, 553.04(b)
				definitions	301.28 et seq.
				dropping objects onto	553.04(a)

RAILROAD (Cont.)		RECORDS COMMISSION (Cont.)	
grade crossing		membership	157.02
driving across	331.39	Ohio Municipal Records	
obstructing	331.33	Manual adopted	157.05
parking prohibited near	351.03(i)	operation	157.03
pedestrian on	371.10	penalty	157.99
stopping at	331.40	Records Administrator	157.06
locomotive engineer's duties	553.03	transfer of records	157.09
obstructing streets	553.01, 553.011	RECREATIONAL VEHICLES	
parking near	351.03	parking, off-street,	
trespassing on railroad		storing in	
property	553.04(d)	residential	
vandalism		districts	1163.04, 1167.07
grade crossing or		parking with zoning	
protective device	553.05	certificate	1167.07
prohibited	553.04	REFERENDUM (see INITIATIVE,	
REAL ESTATE		REFERENDUM AND	
signs	1165.07(c), (n)	RECALL)	
RECALL (see INITIATIVE,		REFRIGERATOR	
REFERENDUM AND		abandoned	521.01
RECALL)		REFRIGERATION	
RECEIVING STOLEN		fees	1312.08
PROPERTY	545.18	REFUSE (see SOLID WASTE)	
RECKLESS DRIVING (see DRIVING)		REGULATORY FLOOD PLAIN	
RECORDS AND REPORTS		DISTRICT (see FLOOD PLAIN	
accident; copy fee	139.01	DISTRICT)	
accident, snowmobile or all		REPORTS (see RECORDS AND	
purpose vehicle	375.07	REPORTS)	
animals		RESIDENTIAL BUILDING CODE	
bites	505.10	adoption	1303.01
escape of exotic or		amendments	1303.02
dangerous	505.14	RESIDENTIAL DISTRICTS (see also	
impounding,		specific zoning district)	
disposition	137.02, 505.02	defined	301.31
bingo games	517.07	fences	1171.04
disposal or retention (see		Overlay District	1152.01
RECORDS COMMISSION)		satellite earth stations	1179.03
failure to report crime or		sidewalk width	903.03
death	525.05	speed	333.03
mechanical amusement		through streets	313.02(b)
devices	711.23	RESISTING ARREST	525.09
pawnbrokers	705.02, 705.04	RESTRAINT, UNLAWFUL	537.08
right of way provider	931.07	RESTRICTED INSTITUTIONAL	
tampering with	545.14	DISTRICT	
wounds and burns	525.05	development standards	1154.03
zoning certificate files	1129.05	purpose; intent	1154.01
RECORDS COMMISSION (see also		uses	1154.02
RECORDS AND REPORTS)		RIGHT OF ENTRY	
authority not restricted	157.10	Building Inspector	1305.03(a)(2)
compliance	157.08	Housing Inspector	1403.01
duties and responsibilities	157.07		
established	157.01		
funding	157.04		

**RIGHT OF WAY (see also DRIVING;
STREET)**

abandoned or unused facility	931.03
administration	931.02
approvals and agreements	931.05
certificate of registration	
application	931.06
compensation	931.08
issuance	931.04
term	931.10
termination	931.13
construction	
bonds	931.21
permits	931.17
relocation; restoration	931.18
damages, liquidated	931.12
definitions	931.01
discontinued operations	931.03
enforcement of permit	
obligation	931.20
findings; scope	931.01
general provisions	931.23
indemnification; liability	931.22
maintenance permits	931.19
oversight and regulation	931.09
ownership; assignment,	
transfer, renewal	931.16
PEG requirements for video systems	931.15
penalty	931.99
permits, other	931.05
purpose	931.01
reporting requirements	931.07
rules and regulations	931.11
unauthorized use	931.14

RIGHT TURN ON RED 313.03(c)(2)

RIOT

failure to disperse	509.02
prohibited	509.01

ROADWAY IMPROVEMENT**DISTRICTS**

creation	905.04
YMCA Place	905.05

ROOF

Housing Code requirements (see HOUSING CODE)	
sheathing, minimum	1317.04
surface water drainage	925.04

ROOMING HOUSE

Housing Code requirements (see HOUSING CODE)	
--	--

RUBBISH (see SOLID WASTE)**SAFETY DEPARTMENT (see PUBLIC SAFETY DEPARTMENT)****SAFETY DIRECTOR**

Traffic Code	
emergency regulations	305.10
powers	305.04, 305.06
records	305.07
traffic control device	
placement	305.02
Traffic Engineering and Safety Division head	305.01

SAFETY ZONE

driving through	331.29
parking prohibited	351.03(h)

SALES

altering objects to appear to	
have value	545.13
criminal simulation	545.13
fireworks	549.10
food from vehicle	733.08
home solicitations	Ch. 741
intoxicants	529.01 et seq.
motor vehicle; title	335.08
parks, in	563.10
pawnbrokers (see PAWNBROKERS)	
peddlers and solicitors (see PEDDLERS AND SOLICITORS)	
vehicles, from	351.06, 351.16
weapons, unlawful transactions	549.06

SANITARY LANDFILLS

application	761.06
definitions	761.01
estimated operating costs	761.04
inspection and supervision	
cost	761.03
required	761.02

SANITARY REGULATIONS

adopted	943.01
copies	943.05
disposition of sewage	943.02
enforcement	943.04
traps	943.03

SATELLITE EARTH STATIONS

construction fee	1312.088
defined	1179.02, 1333.01
installation	
fee	1312.088
inspection	1333.04
location	1333.07

SIDEWALK		SIGNS (Cont.)	
bicycles riding on	373.10	illumination	1165.16(b)
construction (see SIDEWALK CONSTRUCTION)		inspection	
defined	301.37	electric signs	1165.22(a)
driving over	331.37	fees	1165.27
electric personal assistive mobility device on	371.12	new construction	1165.22(b)
obstructing movement	509.03	reinspection	1165.27
obstructions; damage or injury	521.04	landscaping	1165.16(c)
parking on prohibited	351.03(a)	licensing sign erectors	
pedestrian right of way	371.07	fee	1165.03(a)
repair and cleaning	521.06	required; issuance	1165.03
required use by pedestrian	371.05	suspension or revocation; appeal	1165.04
trees, shrubs; planting and maintenance (see TREES AND SHRUBBERY)		liquor sales age warning	529.06
vehicle to stop at	331.23	maintenance	1165.22(c), 1165.27
width, residential	903.03	measurements	1165.16(d)
SIDEWALK CONSTRUCTION (see also DESIGN STANDARDS, SUBDIVISIONS; IMPROVEMENTS)		modified standards	1165.07
building permit, exhibit	903.02	nonconforming	1165.17
escrow account	1317.05	parks, in	563.12
guarantee	903.05	permit	
occupancy certificate issuance	1317.05	fees	1165.20
permit fee	903.04	nontransferable	1165.03(e)
plans and specifications	903.01, 903.02	required	1165.19, 1165.22(d)
subdivision improvements		prohibitions	1165.08
bond, fees,		replacement faces	1165.07(m)
insurance	1107.03	regulations	
construction drawings	1107.04	enforcement	1165.07
inspection	1107.02	penalty	1165.99
required	1107.01	purpose	1165.01
width, residential	903.03	scope	1165.02
SIGHT TRIANGLE	1167.17	variance procedure	1165.18
SIGNS (see also ADVERTISING; TRAFFIC CONTROL DEVICES)		violations	1165.19
abandoned	1165.07(a)	traffic (see TRAFFIC CONTROL DEVICE)	
approval procedure	1165.06	types of	
bed and breakfast inns	1175.04(c)	awnings	1165.16(a)
definitions	1123.49, 1165.05	banner	1165.07(b)
display surface		building directory	1165.13
determination	1165.09	community activity	1165.07(d)
graphics	1165.14	contractors	1165.07(e)
		electrical	
		illuminated	1165.21
		garage or yard sale	1165.07(f)
		gasoline service	
		station	1165.16(e)
		ground; on premises	1165.12
		holiday decorations	1165.07(g)

SIGNS (Cont.)		SOIL EROSION AND SEDIMENTATION	
types of (Cont.)		POLICY (Cont.)	
"open", "closed",		Sediment and Erosion	
business hours,		Control Plan	
etc.	1165.07(h)	standards and criteria	
painted	1165.07(i)	SOLAR ENERGY	
pole	1165.26	1312.085	
political	1165.07(j)	SOLICITATION (see CANVASSING	
projecting	1165.25	AND SOLICITATION)	
projecting; on premises	1165.11	SOLICITATION SALES (see HOME	
proprietor		SOLICITATION SALES)	
identification	1165.07(k)	SOLICITING	
reader boards	1165.07(l)	minors	
real estate	1165.07(c), (n)	parks, in	
subdivisions	1165.07(o),	prohibited on highway	
	1165.15	SOLID WASTE	
wall; on premises	1165.10	accumulation	
window	1165.07(p)	collection	
unlawful	1165.24	regulations	
unsafe	1165.23	941.02, 941.03	
street name signs	905.01, 905.02	containers	
SIREN		941.02, 941.03	
prohibited on bicycle	373.05	deposits	
vehicle	337.19	521.08	
SKATEBOARDS	311.03	disposal fee	
SLUG (see COIN MACHINE)		761.05	
SMOKE DETECTORS	1317.06	Housing Code requirements (see	
SNOW AND ICE		HOUSING CODE)	
fences, snow	1171.04(b)(9)	littering	
sidewalk removal	521.06	521.08	
SNOWMOBILE		notice to remove	
accident report	375.07	City's work,	
bicycle path use prohibited	373.21	costs	
definitions	375.01	941.13, 941.14	
equipment	375.02	noncompliance	
helmets; safety glasses	373.02	941.12	
operation		service	
permitted	375.04	941.11	
prohibited	375.03	partial payment of bill	
operator's license	375.05	941.17	
registration	375.06	pickup and disposal	
Traffic Code application	375.03	fees	
SOIL EROSION AND SEDIMENTATION		941.15	
POLICY		payment schedule	
definitions	1195.02	941.16	
penalty	1195.99	receptacles, garbage and rubbish	
purpose	1195.01	placement	
		941.03	
		required	
		941.02	
		recycling program	
		941.03(f)	
		refuse collection	
		521.10	
		SOUND AMPLIFICATION SYSTEMS	
		loud prohibited	
		331.361	
		SO SUBURBAN OFFICE AND	
		INSTITUTIONAL DISTRICT	
		conditional uses	
		1153.01(b)	
		development standards	
		1153.01(c),	
		Ch. 1167	
		Overlay District	
		1152.02	
		permitted uses	
		1153.01(a)	

SPEED			STREET (Cont.)		
bridge limitations	333.05		injurious material,		
drag racing	333.07		placing on	311.01	
emergency, public safety			laned, defined	301.18	
vehicle exception	333.06		load, dropping on	339.08	
maximum limits	333.03		name signs	905.01, 905.02	
motorized bicycle	373.08		obstructing movement	509.03	
parks, in	563.27		obstructions prohibited	311.01	
slow, minimum	333.04		one-way, driving on	331.30	
STALKING			parades; assembly on	311.02,	
menacing, by	537.051		311.04		
STEALING (see SHOPLIFTERS; THEFT)			parking prohibitions	351.03,	
STOP SIGN (see TRAFFIC CONTROL			351.12		
DEVICE)			railroad obstructing	553.01, 553.011	
STOP WORK ORDER	1301.07		roadway, defined	301.33	
STORAGE BUILDINGS			signs, name	905.01, 905.02	
building requirements	Ch. 1329		subdivision improvements (see		
STORMWATER MANAGEMENT			DESIGN STANDARDS,		
POLICY			SUBDIVISIONS;		
compliance	1193.01(b)		IMPROVEMENTS)		
design standards	1193.02		through		
enforcement	1193.01(a)		right of way	331.18, 331.19	
exemptions	1193.04		stop, yield signs	313.02	
public notification of			toy vehicles	311.03	
watercourse	1193.08		trees, shrubs; planting and		
right of review	1193.09		maintenance (see TREES		
stormwater			AND SHRUBBERY)		
runoff control criteria	1193.06		STREET CONSTRUCTION (see DESIGN		
system design criteria	1193.07		STANDARDS,		
Stormwater Runoff Policy	1193.03		SUBDIVISIONS;		
waivers	1193.05		IMPROVEMENTS)		
STREET			STREET FOOD VENDORS		
abandoned junk motor			certificates, submission of		
vehicle on	303.09		current	733.05	
animal on	303.05		hours of operation	733.07	
bicycle riding	373.07		license		
closed for repair, driving on	331.26		fees	733.03	
completion before building			issuance	733.02	
permit	1317.01		required	733.01	
cul-de-sac fee and			requirements	733.04	
maintenance fund	905.03		penalty	733.99	
defined	301.42, 1123.52		vehicle		
divided, driving procedure	331.31		approaching	733.10	
dropping or throwing			inspection,		
objects onto	541.09		maintenance	733.06	
electric personal assistive			lights, markings,		
mobility device on	371.12		safety devices	733.09	
expressway			sales from	733.08	
entering and leaving	331.32				
freeway					
backing vehicle on	331.13				
entering and leaving	331.32				
prohibited use	303.06				

STREET LAWN				SWIMMING POOLS (Cont.)	
construction protection	909.01			lights	1325.05, 1325.07
driving over	331.37			location	1325.05
parking on prohibited	351.03(a)			permits required	1325.02
planting requirements	913.01 et seq.			zoning	1325.06
STREET NAME SIGNS (see also BUILDING NUMBERING SYSTEM)				SWITCHBLADE (see WEAPONS)	
signs				TAMPERING	
required	905.02			bicycles	373.14, 373.15, 373.20
standards	905.01			coin machine	545.12
SUBDIVISION				criminal mischief	541.04
approvals (see PLAT)				library; museum; archival institution	545.05
approval without plat application				records	545.14
appeal	1106.10			traffic control device	313.08
fee	1106.02			TAXATION (see also INCOME TAX)	
submission	1106.01			limitations	Chtr. 4.06
certification	1106.08			TAXATION DIVISION	
definitions	Ch. 1101			161.10	
design standards (see DESIGN STANDARDS, SUBDIVISIONS)				TAXICAB (see also COMMERCIAL AND HEAVY VEHICLE)	
improvements (see IMPROVEMENTS)				display of name	731.07
landlocked parcels	1106.07			failure to render service	731.08
Planning Commission action	1106.05			driver's license	
records	1106.09			application	731.11
street completion before building permit	1317.01			examination of applicant	731.13
street name sign standards	905.01			fee	731.12
survey required	1106.03			issuance or denial	731.14
variance required	1106.06			new application after denial	731.15
Zoning Officer approval	1106.04			renewal	731.17
SUBDIVISION STANDARDS (see DESIGN STANDARDS, SUBDIVISIONS)				required	731.10
SUNSHINE LAW (see OPEN MEETINGS)				suspension or revocation	731.19
SWIMMING				inspection; fee	731.02
parks, in	563.22			insurance	
SWIMMING POOLS				cancellation	731.05
area, height	1325.05			required	731.03
compliance	1325.03, 1325.04, 1325.06			liability, extent of license	731.04
construction and equipment	1325.07			application;	
defined	1325.01			issuance; display	731.06
fences	1325.08			expiration	731.02
inspection fees	1325.09			identification card	731.16
				required; fee	731.01(a)
				maximum fare rates	731.09
				parking	731.01(b)
				penalty	731.99
				Safety Director regulations	731.18
				TECHNICAL CODES (see ADOPTION BY REFERENCE)	

TELECOMMUNICATIONS		TRAFFIC CODE (Cont.)	
harassment	537.10	definitions	Ch. 301
TELEPHONE		emergency regulations	305.10
harassment	537.10, 537.11	enforcement outside	
improper use of 911	509.08	corporate limits	303.11
party lines yielded in emergency	537.12	government vehicles	303.07
threats by	537.11	penalty for violation	303.99
TELEVISION		road workers, equipment	
cable (see COMMUNITY ANTENNA		excepted	303.04
TELEVISION SYSTEM)		Safety Director	
satellite earth station (see SATELLITE		authority	305.02
EARTH STATION)		emergency regulations	305.10
TEMPORARY PROTECTION		powers	305.04, 305.06
ORDER	537.15	records	305.07
TENTS		violation	305.09
permit and fee	1312.13	violation notice;	
THEFT		failure to obey	303.12
bicycle	373.15	TRAFFIC CONTROL DEVICES (see also	
criminal tools, possession	545.19	DRIVING)	
definitions	545.01	advertising prohibited	313.07
felony exceptions	545.03	alteration, removal	313.08
library; museum; archival		ambiguous	313.09
institution	545.04	avoiding	331.41
petty	545.05	center line, painted	313.08
property		conformity with State Manual	305.03
defined	501.01(j)	Council powers	305.08
determining value	545.02	crosswalk signals, manual	313.11
receiving stolen	545.18	defined	301.46
unauthorized use	545.08	flashing signals	313.06
shoplifters	545.04	hidden	313.07
vehicle		lane of traffic, direction	313.04
alarm signal	337.19	lights described	313.03
unauthorized use	545.06	nonworking	313.09
THREATS (see also MENACING)		obedience	313.01
coercion	537.09	parking near prohibited	351.03(g)
telephone	537.11	pedestrian signals	313.05
THROUGH STREET (see STREET)		posting signs, signals	
TIRES (see VEHICLE EQUIPMENT)		required	305.05
TOBACCO		purchase, possession, sale	313.10
minor, illegal distribution	537.16	removal, injury	313.08
TOW-AWAY ZONES		Safety Director's	
private	303.082	authority	305.02
TOWING		signal terms	313.03
requirements	339.07	State manual conformance	305.03
TOY VEHICLES		stop sign or signal	
attaching to vehicles	373.03	emergency vehicle	331.20
streets, on	311.03	operation at	331.19
TRAFFIC CODE		placing	313.02
arrest procedure	303.12(a)	public safety vehicle	331.20
authority to regulate	305.02	right of way	331.19

TRAFFIC CONTROL DEVICES (Cont.)		TRESPASS (Cont.)	
through streets, signs at	313.02	railroad	553.04(d)
unauthorized	313.07	vehicle	545.06
violations	305.09	voyeurism	533.06
yield signs		TRUCK (see COMMERCIAL AND	
operation at	331.18	HEAVY VEHICLE)	
placing	313.02	UNSAFE BUILDINGS	
TRAFFIC ENFORCEMENT		appeals	1305.05
animal rider, driver	303.05	general regulations	1305.04
arrest procedure	303.11	Housing Code requirements (see	
emergencies; traffic		HOUSING CODE)	
direction power	303.02	noncompliance	1305.05
government vehicle		unfit for habitation;	
drivers	303.07	declaration, pro-	
penalty for violation	303.99	cedure	1403.0401 et seq.
police officer		wrecking, shoring	
compliance with order	303.01	fees	1312.09, 1312.10
fleeing	303.01	URBAN RENEWAL AND	
school guard, obedience	303.02	REDEVELOPMENT	
traffic regulation in		definitions	148.01
emergencies	303.02	Department duties	Chtr. 9.02
TRAFFIC ENGINEERING AND SAFETY		plans	148.03
DIVISION		project implementation	148.05
created; Safety Director		Tax Increment Equivalent	
as head	305.01	Fund	133.06
TRAFFIC SIGNAL (see TRAFFIC		USE REGULATIONS (see also individual	
CONTROL DEVICE)		zoning district)	
TRAILER		home occupations (see HOME	
defined	301.48, 1123.55	OCCUPATIONS)	
lights (see MOTOR VEHICLE		nonconforming (see	
LIGHTS)		NONCONFORMING USES)	
occupying moving	331.35	prohibited	
parking with zoning		list of	1159.03
certificate	1167.07	mobile or modular	
parking, storing in		home	1159.04
residential districts	1163.04	purpose of regulations	1159.01
TRAILER CAMPS	1167.07	variance not	
TRAIN (see RAILROAD)		permitted	1159.02
TREE LAWN (see STREET LAWN)		right of way; unauthorized	931.14
TREES AND SHRUBBERY (see also		USTEB	
WEEDS)		accessory	1167.19
abuse or mutilation	913.10(j)	lot area and yard space,	
burning leaves	521.09	reduction prohibited	1167.15
destruction	541.06	nuisance, public	1167.21
protection	913.09	provisions	1167.15 et seq.
street, planting		setback	1167.16
requirements	913.10	UTILITIES	
TRESPASS		contracts with Columbus	Ch. 923
aggravated	541.051		
land or premises	541.05		

UTILITIES (Cont.)

Housing Code requirements (see HOUSING CODE)	
poles, cable television	
use of	751.02

U TURN

regulated	331.12
-----------	--------

VANDALISM

criminal mischief	541.04
grade crossing device	553.05
railroad	553.04
vehicular	541.09

VARIANCE

Council approval required	1103.02
design review	1197.10
Flood Plain District	1191.15
land use restrictions,	
not permitted for	1159.02
lot size	1167.04
parking	1163.06
Planning Commission may	
recommend	1103.02
zoning	
application	1131.01
fee	147.01, 1131.02
frequency of applications	1131.07
granting	1131.01 et seq.
hearing	1131.03
zoning certificate required	1129.03

VEHICLE (see MOTOR VEHICLE)

VEHICLE EQUIPMENT

air cleaner	337.25
all purpose vehicle	375.02
brakes	337.18
bumpers	337.29
chains	339.10
child restraint system	337.26
directional signals required	337.30
exceptions	337.01(c)
exhaust noise	331.36
horn, siren	337.19
lights (see VEHICLE LIGHTS)	
loads (see VEHICLE LOADS)	
motorcycle, off-highway	375.02
motorized bicycle	377.06
mud flaps	339.05
muffler	331.36, 337.20
rear red reflector	337.05
rear-view mirror	337.21
red flag or light, on load	337.08
seat belts	337.27
slow-moving vehicle, emblem	337.10
snowmobile	375.02

VEHICLE EQUIPMENT (Cont.)

sound amplification systems	331.361
spikes, lugs	339.10
sunscreening	337.28
theft alarm signal	337.19
tinted windows	337.28
tires (see TIRES)	
wheel protectors	339.05
windshield regulations	337.22
VEHICLE LIGHTS	
auxiliary driving lights	337.11
back-up	337.12
bicycle	373.06
commercial vehicle, safety	
lighting	337.06
distance, height	
measurement	337.02
electric personal assistive	
mobility device	371.12(b)
fender or cowl	337.12
flashing	337.10(e), 337.16
headlights	
focus and aim	337.17
required	337.03
use of beams	337.14
lighted, time	337.02
motorized bicycle	337.02, 373.10
number permitted	337.16
parked or stopped	337.09
slow-moving vehicle	
less intensity	337.15
requirements	337.10
snowmobile and all purpose	
vehicle	375.02
spotlight	337.11
stop lights	337.24
tail light	337.04
two displayed	337.13
vehicles in combination,	
obscured	337.07
VEHICLE LOADS	
extension on left side	337.23
information on request	339.04
leaking or dropping	339.08
obstructing driver's view	331.25
projecting, red flag	
or light	337.08
shifting or loose	339.09
standing for loading	
or unloading	351.14

VEHICULAR HOMICIDE	537.02	WATER (Cont.)	
VENDING MACHINE (see COIN MACHINE)		meter service fee	929.08
VENDING MACHINE INCOME FUND	133.02	obstructing lines with trees	913.06
VENDORS		partial payment of bill	929.19
street food (see STREET FOOD VENDORS)		rates; bills	929.11 et seq.
VENTILATION		responsibilities	929.10
heaters and burners	521.02	review board (see WATER AND SEWER INTERNAL REVIEW BOARD)	
VIDEOS (see MOVIES, FILMS AND VIDEOS)		service charges,	
VIOLENCE, INCITING	509.011	special	929.17, 929.18
VOYEURISM	533.06	service control by Mayor	131.01(l)
WAIVER, PARKING	351.99	subdivision standards (see DESIGN STANDARDS, SUBDIVISIONS)	
WARDS (see also BOUNDARIES)		system capacity rates	929.14
boundaries	105.02	tapper's permit	929.06
chapter copy	105.03	WATER AND SEWER INTERNAL REVIEW BOARD	
division into	105.01	appeal procedures	919.03
WASTE DISPOSAL FACILITIES (see SANITARY LANDFILLS)		Council report	919.05
WATER (see also WATER SYSTEM)		jurisdiction	919.02
bills	921.11, 921.12, 929.13	limitations	919.04
connections		organization	919.01
definitions	929.01	WATERCOURSE (see also POLLUTION)	
disconnection charge	929.17	drainage, subdivision	
excavations	929.10	design standards	1109.07
inspection	929.07	obstruction/diverting	
installation	929.10	compliance	911.02
materials and construction	929.09	permit	911.01
meter service fee	929.08	removal	521.05
permit required	929.02	solid waste corrupting	521.08
prohibitions	929.11	WATERCRAFT (see also ALL PURPOSE VEHICLE)	
reconnection charge	929.18	dropping or throwing	
responsibilities	929.10	objects at	541.09
separate	929.02	WATER DIVISION	
tap charges and procedures	929.03	Public Service Director	
tapper's permit	929.06	as head	Chtr. 6.03
contracts with Columbus	Ch. 923	WATER LINE CONSTRUCTION (see WATER)	
disconnection charge	929.17	WATER POLLUTION (see POLLUTION)	
extension of main approval	929.04	WATER SYSTEM	
charges	929.05	backflow prevention device	933.03, 935.01
fire protection service and rates	929.15	capacity rates	929.14
Housing Code requirements (see HOUSING CODE)		penalty	935.99
		pipng system inspection	935.03

WATER SYSTEM (Cont.)

rules and regulations	935.05
service discontinued	935.04
surveys and investigations	935.02

WEAPONS (see also DANGEROUS
ORDNANCE)

carrying concealed	549.02
carrying onto school property	549.071
definitions	549.01
discharging	549.08
guns, Auxiliary Police	139.02(g)
minor, purchase by	549.07
missiles	549.09
motor vehicle, handling in	549.04
parks, in	563.05
Reserve Police	139.02(g)
unlawful transactions	549.06
use while intoxicated	549.03

WEEDS (see also TREES AND
SHRUBBERY)

mowing costs	945.07
noxious	945.06
nuisance, determination	945.01
penalty	945.99
prohibited	945.06, 945.07
remedies	945.03 et seq.
removal	
noncompliance	945.03
notice	945.02, 945.03
required	945.01
report of costs to Council	945.04, 945.05

WHEELCHAIR (see also HANDICAPPED
PERSONS)

electric personal assistive mobility device	371.12
motorized	371.11

WOUNDS AND BURNS

reporting	525.05
-----------	--------

YARDS (see also specific zoning
district; DEVELOPMENT
STANDARDS, ZONING)

arrangement of structures	1167.18
definitions, zoning	1123.60 et seq.
swimming pools	1325.05

YIELD SIGNS (see TRAFFIC CONTROL
DEVICE)ZONING AMENDMENTS (see also
VARIANCE)

annexation; mandatory application; fee	1133.08
application; fee	1133.01

ZONING AMENDMENTS (Cont.)

Council action	Chtr. 11.05, 11.06
Council initiation	Chtr. 11.04
Planning Commission, referral to	Chtr. 11.04
procedures	1133.01 et seq.
public notice; hearing	1133.02, 1133.03
R-4 District, future zoning prohibited	1145.07
R-5 District, future zoning prohibited	1147.07

ZONING ADMINISTRATOR

flood hazard areas decisions	1191.13
designation as Administrator	1191.15
duties	1191.16

ZONING AND BUILDING APPEALS
BOARD (see also BOARDS
OR COMMISSIONS)

appeals, hearing, notice	147.03
composition and term	Chtr. 12.01
fees	147.04, 147.05
Flood Plain District authority	1191.12 et seq.
jurisdiction	Chtr. 12.03, 147.01
meetings and procedure	Chtr. 12.04
organization	Chtr. 12.02, 147.02
powers	147.02
vacancy	Chtr. 12.01
zoning	Chtr. Art. XII; 1125.03

ZONING CERTIFICATE

change of use	1129.03
conditional uses	1169.04
fee	1129.06
file; copies	1129.05
Flood Plain District issuance	1191.11 Chtr. 6.03
nonconforming use continuance	1129.04
plat required	1129.02
records	1129.05
recreational vehicle parking required	1167.07 1129.01
satellite earth station	1179.06
variance	1129.03

ZONING CODE (see also ZONING ORDINANCE)			ZONING ORDINANCE (Cont.)	
enforcement of			development plan (see DEVELOPMENT PLAN, ZONING)	
ordinances	Chtr. 6.03		development standards (see DEVELOPMENT STANDARDS, ZONING)	
ZONING DISTRICTS (see also specific zoning district)			effective date	Chtr. 4.14; 1122.04
boundaries;			enforcement (see ZONING ENFORCEMENT)	
interpretation	1135.04		implementation	1122.02
compliance	1135.03		interpretation	1121.02
designation of districts	1135.01		objective	1122.03
flood areas (see FLOOD PLAIN DISTRICT)			penalty	1127.99
general development standards, additional to district regulations	Ch. 1167		preservation zones	1167.21
off-street parking	Ch. 1163		purpose	1122.01
Overlay Districts			separability	1121.03
Limited	1152.02		title	1121.01
Residential	1152.01		variance (see VARIANCE)	
Roadway Improvement Districts (see ROADWAY IMPROVEMENT DISTRICTS)			violation remedies	1127.07
signs	Ch. 1165		ZONING PROCEDURE	
ZONING ENFORCEMENT			Council approval requirements	Chtr. 11.06
administrative orders	1127.08		mandatory referral to Planning Commission	Chtr. 11.04
appeals	Chtr. 11.04 et seq.; 1125.03		public hearings and notice	Chtr. 11.05
compliance	1127.01 et seq.			
Council powers	1125.03			
Flood Plain District Regulations	1191.10			
penalty	1127.99, 1191.99			
Planning Commission				
authority	1125.01			
powers and duties	1125.02			
variance, granting (see VARIANCE)				
violation remedies	1127.07			
Zoning Officer	1127.06			
ZONING MAP				
adoption	1135.02			
boundaries;				
interpretation	1135.04			
designation of districts	1135.01			
flood plain	1191.02, 1191.18			
ZONING ORDINANCE				
amendment (see ZONING AMENDMENTS)				
appeal fee	1125.04			
codification reference	1121.01			
definitions	Ch. 1123			

SUPPLEMENTAL COMPARATIVE SECTION TABLE

(indicating disposition of ordinances subsequent
to the 1970 codified ordinances)

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
40-70	12-7-70	149.01 to 149.04	69-72	11-21-72	1105.02 (1,2 par.), 1105.04 (1, 2 par.)
14-71	2-15-71	135.03	70-72	11-21-72	1133.01
17-71	3-2-71	137.01, 137.02	71-72	11-21-72	1151.14(b)
19-71	3-2-71	921.04	72-72	11-21-72	1153.06(c)
20-71	4-5-71	921.05	73-72	11-21-72	1153.04(c)
38-71	6-21-71	731.01, 731.03, 731.04, 731.05, 731.06, 731.08, 731.11, 731.12, 731.16, 731.17, 731. 18, 731.19, 731.99	74-72	11-21-72	1137.07
45-71	6-21-71	151.02, 151.03	75-72	11-21-72	1139.07
52-71	6-19-71	131.06	76-72	11-21-72	1141.04, 1141.07
67-71	9-20-71	Repeals 1123.25, 1123.34	77-72	11-21-72	1143.04 to 1143.07
72-71	11-15-71	1501.01 to 1501.09, 1501. 99	78-72	11-21-72	1147.07
2-72	2-7-72	121.02	79-72	11-21-72	1135.01
4-72	1-17-72	143.01	15-73	2-20-72	1135.02
16-72	2-21-72	151.01	16-73	4-17-72	1165.01 to 1165.07, 1165.09 to 1165.15, 1165.18 to 1165.20, 1165.99
17-72	3-6-72	333.99	20-73	3-20-73	1312.03
24-72	3-29-72	921.11(a)	21-73	3-6-73	143.02
26-72	5-16-72	157.01, 157.02	25-73	4-17-73	1109.07(f)
29-72	5-2-72	1123.47, 1149.01 to 1149.03, 1153.01 to 1153.04(b), 1153.05 to 1153.06(b), 1163.to 1163.06, 1167.01 to 1167.21, 1169.01 to 1169.04	28-73	5-1-73	1601.01 to 1601.18, 1601.99
30-72	5-2-72	1317.03, 1317.99	30-73	5-1-73	1105.04(a)(10), 1107.01(g), 1109.11
39-72	8-1-72	741.01 to 741.06, 741.99	37-73	6-5-73	151.04
46-72	8-1-72	139.04	39-73	7-9-73	139.02
52-72	10-3-72	1153.07	42-73	7-23-73	1169.05
65-72	11-7-72	103.01	70-73	10-16-73	929.01 to 929.07, 929.09 to 929.18, 929.99
67-72	11-21-72	1106.01 to 1106.03	77-73	11-20-73	549.01, 549.02, 549.11, 549.99
68-72	11-21-72	1131.02	79-73	12-4-73	1151.14(a)
			83-73	11-20-73	1109.11(a)(3)
			2-74	1-15-74	1123.17
			7-74	2-19-74	1109.10
			11-74	2-5-74	731.09
			18-74	3-5-74	547.01 to 547.07
			20-74	3-5-74	929.08

SUPPLEMENTAL COMPARATIVE SECTION TABLE

54B

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
30-74	4-24-74	313.10	122-78	12-19-78	351.17(a)
44-74	7-16-74	133.01	3-79	1-16-79	1135.01, 1157.01 to 1157.04
68-74	9-17-74	333.01	14-79	2-20-79	1133.07
69-74	9-17-74	151.99	19-79	2-20-79	1171.04
81-74	11-19-74	731.11	26-79	2-20-79	105.01, 121.04
8-75	2-4-75	1317.04	46-79	5-1-79	303.99(a)(9), (10)
14-75	2-18-75	731.04	47-79	5-1-79	547.08
16-75	2-18-75	136.01 to 136.04	53-79	5-1-79	139.02
20-75	3-4-75	1312.03(g), 1312.18	56-79	5-15-79	303.99(a)(11)
22-75	3-4-75	135.01, 135.02	74-79	6-19-79	1312.01 to 1312.18, 1312.99
23-75	2-18-75	909.03, 909.04	80-79	6-19-79	1309.01, 1309.02
32-75	3-18-75	105.01	89-79	7-17-79	1501.01 to 1501.12, 1501.99
38-75	3-18-75	1312.04	91-79	8-7-79	105.02 (Ward 1)
39-75	3-18-75	1312.05	110-79	12-4-79	1133.04
40-75	3-18-75	Repeals 1317.02, 1317.05	137-79	12-18-79	941.16
45-75	4-1-75	136.04(e)	23-80	4-1-80	929.17(a) to (g)
50-75	4-15-75	301.04, 373.11, 373.12 to 373.20	24-80	4-1-80	929.03
57-75	5-20-75	1165.16, 1165.17	25-80	3-18-80	929.08
58-75	5-20-75	1317.05	45-80	5-6-80	1165.08(a)(5), 1165.17
71-75	8-6-75	1601.19	64-80	5-20-80	915.01, 915.02
72-75	6-4-75	945.08	78-80	7-15-80	945.08
83-75	8-5-75	1171.01 to 1171.03, 1171.99	122-80	12-2-80	921.11(a), (b)
88-75	9-2-75	1165.07	123-80	12-16-80	929.11(d)
103-75	10-7-75	1165.21	124-80	12-2-80	929.12(a), (c)
96-75	11-18-75	751.01 to 751.16, 751.99	125-80	11-18-80	929.17(h)
117-75	11-18-75	921.04	126-80	11-18-80	921.04
6-78	2-21-78	1123.01	131-80	12-16-80	1193.01 to 1193.09
7-78	1-3-78	121.03	132-80	12-16-80	911.01, 911.02, 911.99
12-78	1-17-78	1151.02, 1151.16	144-80	12-16-80	941.15
43-78	4-4-78	335.01(a)	7-81	1-20-81	1101.08
47-78	4-18-78	147.08	54-81	7-21-81	1106.01 to 1106.10
50-78	5-2-78	Repeals 151.06	61-81	5-19-81	1501.04(a), 1501.041, 1501.042
67-78	7-11-78	107.03	77-81	7-21-81	1105.03
73-78	7-11-78	373.02	94-81	8-18-81	751.08(c)(2)
85-78	9-19-78	148.01 to 148.07	100-81	9-1-81	139.02(b); Repeals 139.02(g)(3), (h)
90-78	10-17-78	105.01 to 105.03	105-81	9-3-81	161.18
91-78	10-17-78	1191.01 to 1191.11, 1191.99	119-81	10-20-81	929.08(f), (g), (h)
92-78	11-7-78	1171.04; Repeals 1167.08	121-81	11-3-81	121.05
96-78	11-21-78	301.99, 501.01	130-81	12-15-81	505.01 to 505.13
102-78	11-7-78	133.04	136-81	12-15-81	549.01 to 549.08, 549.99
104-78	11-21-78	133.05	9-82	2-16-82	1101.09
116-78	12-19-78	921.11(a)	11-82	2-16-82	1105.04 to 1105.12
117-78	12-5-78	929.13, 929.14	18-82	3-2-82	1315.01 to 1315.04
118-78	12-5-78	929.12			
121-78	12-19-78	133.06			

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
63-79	6-12-79	148.09	36-83	5-3-83	1137.06(b), 1139.06
22-82	3-16-82	137.01, 137.02			(b), 1141.06(b),
28-82	4-6-82	905.03			1143.06(b), 1145.06
42-82	5-4-82	151.01 to 151.05, 151.99			(b), 1147.06 (b),
44-82	5-4-82	1153.07(b)			1151.16 (d),
45-82	5-4-82	1153.03(b)	42-83	7-19-83	1167.19 (b)
		Community			1125.04, 1129.06,
		Commercial			1131.02, 1133.01,
57-82	6-15-82	733.02 to 733.06(b), 733.07, 733.08, 733.10, 733.99	45-83	6-7-83	1133.08,
			50-83	7-19-83	1151.14(a), 1171.03
60-82	6-15-82	121.03	54-83	7-19-83	733.04
62-82	7-6-82	1122.01 to 1122.04	57-83	8-2-83	1333.01 to 1333.06
63-82	7-6-82	1151.06	58-83	8-2-83	1312.088
65-82	7-20-82	135.09	59-83	8-2-83	143.01 to 143.05
75-82	8-3-82	1151.03(c)	61-83	8-2-83	513.14, 513.15
76-82	8-3-82	1151.02(g), 1151.16(b)			921.03, 921.05
77-82	8-3-82	1169.03	63-83	7- 19-83	929.02, 929.03(a),
78-82	8-3-82	1137.02(a), 1139.02(a)	69-83	8-16-83	(g), 929.05(j),
79-82	8-3-82	733.01, 733.06(c), 733.09			929.17
88-82	9-21-82	1167.20			1191.01 to 1191.22,
89-82	9-21-82	1123.14, 1123.48, 1123.49			1191.99
90-82	9-21-82	1153.01(b), (c)	70-83	8-16-83	1311.02,
91-82	9-21-82	1163.02			1312.03(a), (d), (e),
92-82	9-21-82	1401.25			(i), 1312.09,
102-82	9-21-82	139.02(c)(2)			1312.15,
106-82	10-6-82	135.03(b), (c), 136.04(a), 135.06 (a), (c)	86-83	11-1-83	1321.02(a), 1325.09
119-82	11-2-82	1312.15			521.10(b), 905.02,
122-82	12-21-82	377.01 to 377.11, 377.99	87-83	11-1-83	945.08
125-82	12-7-82	929.12, 929.13, 929.19	118-83	12-20-83	1145.02(a)(5),
126-82	12-7-82	921.11, 921.13	121-83	12-20-83	1151.031
127-82	12-7-82	941.17	6-84	2-7-84	1165.08, 1165.17
154-82	12-21-82	161.01 to 161.21			929.12
5-83	2-1-83	131.06			941.15(a)
8-83	3-1-83	751.08, 751.16(b), (e)	7-84	2-7-84	563.01 to 563.29,
15-83	3-15-83	133.07	9-84	2-21-84	563.99
17-83	4-5-83	155.01	10-84	2-7-84	919.01 to 919.05
18-83	3-15-83	929.12, 929.19	11-84	3-6-84	529. 04(b)
19-83	3-15-83	921.11, 921.13	17-84	2-21-84	1105.04
21-83	6-7-83	161.18	18-84	2-21-84	1133.02
28-83	4-5-83	351.04	19-84	4-3-84	135.011
35-83	5-3-83	133.08	22-84	3-20-84	136.01 to 136.04
			26-84	3-20-84	1123. 01(a)
			50-84	7-3-84	137.02
					103.02
					907.04, 1163. 01(a)
					1163. 03(a)
			68-84	9-4-84	377.02(d),
					377.03(b), 377.05,
					377.06(c)
			77-84	9-18-84	133.09
			86-84	12-4-84	161.18(a)

SUPPLEMENTAL COMPARATIVE SECTION TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
88-84	10-16-84	1317.06	8-88	2-16-88	135.04(a)
90-84	11-6-84	136.04	15-88	3-17-88	1312.05
92-84	10-29-84	761.01 to 761.05	37-88	5-17-88	163.01 to 163.06
102-84	12-4-84	525.15	50-88	6-21-88	945.01 to 945.08, 945.99
2-85	1-2-85	1312.03	53-88	6-21-88	1321.01
3-85	2-5-85	154.01 to 154.08	61-88	7-5-88	1105.06
5-85	2-5-85	913.01 to 913.15, 913.99	63-88	7-19-88	505.15
38-85	4-2-85	1301.01 to 1301.09, 1301.99	64-88	7-12-88	131.01
46-85	4-16-85	351.17	75-88	8-16-88	1123.27
57-85	5-21-85	929.08	97-88	9-20-88	Repeals 505.13
61-85	6-18-85	1501.01 to 1501.13, 1501.99	126-88	11-15-88	133.05
76-85	9-17-85	1303.01, 1303.02; Repeals 1305.03 (a)(2), 1309.01 to 1309.03, 1317.04	130-88	11-15-88	161.07
81-85	9-17-85	1159.01	131-88	11-15-88	161.05
82-85	9-17-85	1191.15, 1165.07(c)	134-88	11-15-88	145.01
89-85	10-15-85	1501.11 (OFC §F- 125.1, F-125.2)	138-88	12-20-88	941.03
111-85	12-17-85	941.15	138-99	12-20-88	921.11
12-86	3-4-86	929.12	159-88	12-22-88	1301.01
13-86	3-4-86	921.11(a) to (d)			
14-86	3-4-86	905.02			
46-86	6-17-86	1321.03, 1321.99			
59-86	8-5-86	337.26, 337.27			
67-86	8-19-86	131.06(b)			
68-86	8-19-86	143.03(b)			
69-86	8-19-86	121.03			
79-86	9-2-86	133.10			
81-86	9-16-86	529.09			
106-86	10-21-86	1151.16			
115-86	11-18-86	161.18			
125-86	12-16-86	133.051, 133.052			
17-82	3-2-82	135.10			
12-87	2-17-87	154.06			
30-87	3-17-87	1105.07			
85-87	7-21-87	139.05			
86-87	7-21-87	133.091			
100-87	8-4-87	1341.01 to 1341.07			
101-87	8-4-87	1343.01 to 1343.03			
102-87	8-4-87	1345.01 to 1345.08, 1345.99			
107-87	8-18-87	913.01 to 913.14, 913.99			
143-87	11-3-87	1191.01 to 1191.20, 1191.99			
4-88	2-2-88	1305.01, 1305.02			
7-88	2-16-88	1312.07(a)			

SUPPLEMENTAL COMPARATIVE SECTION TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
0028-2001	3-5-01	505.01 to 505.15	0039-2002	3-4-02	161.12
0059-2001	4-2-01	943.01 to 943.05	0040-2002	3-4-02	1303.01
0094-2001	5-7-01	931.01 to 931.99	0055-2002	4-1-02	138.01 to 138.05
0126-2001	7-2-01	945.07	0073-2002	5-6-02	165.02
0161-2001	8-20-01	1303.01	0093-2002	5-20-02	1150.09 to 1150.12
0162-2001	8-20-01	1501.01	0094-2002	5-20-02	1197.01, 1197.02, 1197.07, 1197.09
0166-2001	8-20-01	1403.01, 1403.02	0095-2002	5-20-02	1150.04
0181-2001	9-4-01	148.04	0105-2002	6-17-02	505.01 to 505.15
0182-2001	9-4-01	137.02	0179-2002	10-7-02	147.01 to 147.05
0189-2001	9-17-01	150.01 to 150.06	0180-2002	10-7-02	1129.01 to 1129.05
0190-2001	9-17-01	751.04	0181-2002	10-7-02	1169.01 to 1169.06
0206-2001	10-15-01	161.01	0203-2002	11-4-02	921.03
0225-2001	11-19-01	135.01 to 135.99	0204-2002	11-4-02	929.02
0227-2001	11-19-01	947.01, 947.02, 947.99	0219-2002	11-18-02	941.15
0237-2001	12-3-01	941.15	0222-2002	11-18-02	161.07, 161.08
0248-2001	12-17-01	105.01 to 105.03	0244-2002	12-16-02	133.05
0255-2001	12-17-01	131.01 to 131.99	0246-2002	12-16-02	713.13
0256-2001	12-17-01	157.06	0011-2003	2-3-03	143.03
0005-2002	1-22-02	1151.15, 1151.16	0012-2003	2-3-03	131.07
0010-2002	2-4-02	1154.01 to 1154.03	0033-2003	2-18-03	905.04, 905.05
0011-2002	2-4-02	1135.01 to 1135.04			
0012-2002	2-4-02	1136.04			
0013-2002	2-4-02	1137.03, 1137.04			
0014-2002	2-4-02	1139.03, 1139.04			
0015-2002	2-4-02	1141.03, 1141.04			
0016-2002	2-4-02	1143.03, 1143.04			
0017-2002	2-4-02	1145.01, 1145.02			
0018-2002	2-4-02	1147.03, 1147.04			
0019-2002	2-4-02	1150.03 to 1150.06			
0020-2002	2-4-02	1151.03			
0021-2002	2-4-02	1153.01			

TABLE B- EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0244-2001	12-3-01	Authorizes execution of stormwater management easement to Continental/Eagle IV, LLC, to use natural basin for stormwater management on Giant Eagle property.
0246-2001	12-3-01	Authorizes execution of cross access easement with Most Reverend James A. Griffin, Bishop of Columbus for St. Matthew athletic fields near Big Walnut Creek and Gahanna Jefferson Local School District Recreation Council property on Parkland Dr.
0250-2001	12-3-01	Authorizes execution of nonexclusive easement for Ameritech for telephone equipment on City property on N. Hamilton Rd. near Vista Dr.
0149-2002	8-19-02	Authorizes executing easement for onsite sanitary system for W.F. and P.J. Tylka on Hannah Farm Park.
0003-2003	1-21-03	Accepts deeds of easement from Continental Eagle IV, LLC at rear of property at 1250 N. Hamilton Rd. (Giant Eagle) for sanitary sewer easement.

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.

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

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0163-2000	9-5-00	Accepts general warranty deed from Homewood Corp. for 9.17 acres (3 land parcels) in Hunters Ridge Subdivision.
0166-2000	7-17-00	Accepts general warranty deed from HMI Properties, Ltd. for r-o-w for 0.283 acre and 0.326 acre on Clark State Rd.
0168-2000	7-17-00	Accepts 18.225 acres on Price Rd. from M.L. Helman for parkland purposes.
0188-2000	8-21-00	Repeals Ord. 200050 (accepting 2.27 acres as Johnstown Rd. r-o-w).
0200-2000	9-5-00	Authorizes purchase agreement with heirs of Anna Mae Smith estate for City to purchase 1.27 acres, 4390 Cherry Bottom Rd. for r-o-w, future bike path and culvert work.
0213-2000	9-18-00	Accepts warranty deed from Stonehenge Co. for 0.588 acres on N. Hamilton Rd. near Sycamore Woods condominiums.
0214-2000	9-18-00	Accepts warranty deed from Stonehenge Co. for 2.443 acres on Shagbark Rd., contiguous to The Woods at Shagbark.
0235-2000	10-16-00	Authorizes purchase of property from D.L. Roby at end of Oklahoma Ave. for extension of Friendship Park.
0273-2000	11-27-00	Authorizes settlement agreement with K.N. and L.W. Singh for City to purchase 25.411 acres along Taylor Rd.
0011-2001	2-5-01	Authorizes purchase of 0.363 acres on S. Stygler Rd. and W. Johnstown Rd. for r-o-w purposes; GC Holdings, owner.
0039-2001	3-5-01	Authorizes sale of 26 acres owned by City on Taylor Rd. to Highland Glen Development Co., Ltd.
0064-2001	4-2-01	Authorizes purchase by City of 1 acre at 6010 Taylor Rd. from J.L. and M.Y. Edwards.
0088-2001	4-2-01	Authorizes purchase by City of property at 57-63 Mill St. from F. Summerfield, through the broker, the Robert Weiler Co.
0095-2001	5-21-01	Authorizes purchase by City of 3.3 acres along the Big Walnut Creek area from Jefferson Local School District Recreation Council.
0101-2001	5-21-01	Reauthorizes purchase by City of property at 57-63 Mill St. from F. Summerfield, through the broker, the Robert Weiler Co.
0155-2001	8-20-01	Accepts general warranty deeds for property at 57-63 Mill St. from F.A. Summerfield, Sr. and R.I. Summerfield.
0156-2001	8-20-01	Accepts general warranty deeds for 0.069 acre along Morse Rd. from R. and D. Strait and S. Franks for r-o-w purposes.
0157-2001	8-20-01	Accepts general warranty deeds for 0.274 acre along Morse Rd. from R.N. and B. Underwood for r-o-w purposes.
0158-2001	8-20-01	Accepts general warranty deed for 0.349 acres along Morse Rd. from J.L. and B.L. Evans for r-o-w purposes.
0231-2001	11-19-01	Authorizes sale of City-owned property at 57-63 Mill St. (Summerfield site).

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

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0262-2001	12-17-01	Authorizes purchase of property at 117 Mill St. from R. and J. Haag (Creekside area of downtown Gahanna).
0269-2001	12-17-01	Authorizes sale of land at 6555 Clark State Rd. (Hannah Farm) to W.F. and P.J. Tylka.
0006-2002	1-22-02	Accepts general warranty deed from Triangle Properties, Inc. for r-o-w for 0.747 and 2.843 acres on Morse Rd.
0007-2002	1-22-02	Accepts general warranty deed from Triangle Properties, Inc. for r-o-w for 2.623 acres on Johnstown Rd.
0071-2002	4-15-02	Accepts general warranty deed from Jefferson Local School District Recreation Council 2.618 acres along Big Walnut Creek with access from Parkland Drive.
0072-2002	4-15-02	Accepts general warranty deed from R.R. Haag II and J.S. Haag for property at 117 Mill St.
0130-2002	7-15-02	Authorizes contract with D.L. and A.B. Arnold for purchase of property for sanitary sewer easement for Improvement 802, Price Road Sanitary Sewer.
0134-2002	8-5-02	Accepts 2.623 acres at 4491 E. Johnstown Rd. from Jefferson Twp.
0136-2002	8-5-02	Authorizes contract with J.H. and M.T. Bisang for purchase of property for sanitary sewer easement for Improvement 802, Price Road Sanitary Sewer.
0140-2002	8-5-02	Authorizes amended agreement with J. Royer and D. Maddy for sale of City-owned land at 57-63 Mill St.
0158-2002	10-7-02	Accepts deed for 1.885 acres on Clark State Rd. (Reserve B of Park at Harrison Pond, the Villages at Rocky Fork, Sec. 10, Part 1A) from HMI Properties, Ltd.
0198-2002	10-21-02	Authorizes agreement with Shepherd Church of the Nazarene for purchase by City of 7 acres owned by the Church at 425 S. Hamilton Rd.,; to sell 8.40 acres owned by City adjacent to Church property.
0237-2002	11-18-02	Authorizes signing limited warranty deed to J.E. Mattlin for old Stygler Rd. r-o-w.
0238-2002	11-18-02	Accepts limited warranty deed for r-o-w purposes from J.E. Mattlin for 0.033 acres on Stygler Rd. south of Agler Rd.
0036-2003	2-18-03	Accepts deed for Reserve G, Hunters Ridge Section 2 on Harrow Blvd. (8.76 acres) from Hunters Ridge Recreation Association.

TABLE F - LEASE OF REAL PROPERTY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
17-58	12-15-58	Authorizes lease with Pegler.
2-64	1-6-64	Lease of property in rear of Village Hall for parking.
39-65	8-2-65	Lease of 69 Mill St. for Police Dept. use.
18-68	2-12-68	Authorizes lease with Gahanna Civic Center, Inc.
21-68	2-19-68	Confirms lease with Gahanna Civic Center, Inc.
14-69	3-20-69	Amends Ord. 21-68 re lease with Gahanna Civic Center, Inc.
15-70	3-2-70	Authorizes sublease with Columbus Public Library for part of Municipal complex.
18-70	4-6-70	Amends Ord. 15-70 re liability insurance requirement.
31-76	3-16-76	With Robert Schillig for space and concession rights to Ridenour Park Golf Course.
49-76	5-18-76	With Robert Schillig for golf course concession operation.
57-76	6-15-76	With VFW Post 4719 for baseball field at 124 Parkland Dr.
69-76	7-28-76	Cancels lease authorized by Ordinance 49-76.
55-78	5-16-78	Lease of City property in the urban renewal and redevelopment area.
27-79	2-27-79	For operation of Municipal golf course and clubhouse.
34-79	3-13-79	For operation of Municipal golf course and clubhouse; repeals Ordinance 27-79.
40-79	3-23-79	For operation of Municipal golf course and clubhouse; repeals Ordinance 34-79.
63-79	6-12-79	Amends Ordinance 55-78 re amount and terms of leases of City property in Gahanna Urban Renewal and Redevelopment Area.
81-79	6-19-79	With VFW Post 4719 for 5 years for use of Conroy Baseball/Softball Field at 124 Parkland Dr.
131-79	11-20-79	With Gahanna Historical Society for part of High St.
132-79	12-4-79	Repeals Ordinance 40-79.
71-80	7-1-80	With Board of Trustees of Public Library of Columbus and Franklin County for 5 years.
108-80	9-16-80	With Franklin County Commissioners for Hamilton House; sublease with Hamilton House Board.
51-81	4-7-81	Lease of 72 North High St. Parsonage for Youth Activities Center.
52-81	4-9-81	Lease of 14 acres of Kiwanis property for public park.
61-84	8-7-84	Authorizes lease with the Jefferson Local School District Recreation Council for soccer field facilities.
31-85	3-5-85	With Board of Trustees of Public Library of Columbus and Franklin County for 5 years.
27-88	5-17-88	With the Board of Trustees of Hamilton House, Inc., for the property known as Hamilton House.
195-89	12-19-89	Lease of property near Lincoln Circle and Granville St. to Rees Flowers and Gifts, Inc.
197-89	5-15-90	Lease of Mifflin Twp. parking area behind Mill St. Fire Station.
71-90	5-1-90	With Board of Trustees of Public Library of Columbus and Franklin County for period from July 1, 1990 through December 31, 1990 and month to month thereafter.
28-93	1-26-93	With Wallace F. Ackley Co., realtors for office space at 830 Morrison Rd.

TABLE F - LEASE OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
119-97	7-8-97	Authorizes 5-yr. lease with 5-yr. option with Gahanna-Jefferson Local School District for Hamilton House property, 87 S. Hamilton Rd.
120-97	6-3-97	Authorizes 1-yr. lease/option to purchase agreement with W.R. and M.L. McCorkle for 13.518 acres near Middle School West athletic fields.
0070-2000	4-17-00	Authorizes lease with Jefferson Local School District Recreation Council to use fields for City-wide soccer program.
0169-2002	9-16-02	Authorizes lease with Gahanna Jefferson Local School District (through option provision in current lease) for property (Hamilton House) at 87 S. Hamilton Rd.
0170-2002	9-16-02	Authorizes lease with Gahanna Jefferson Local School District (through option provision in current lease) for property (Lustron House) at 79 S. Hamilton Rd.

TABLE H - ANNEXATION AND DETACHMENT OF TERRITORY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0165-2000	7-17-00	Accepts annexation application of 0.734 acres on Taylor Rd. from Jefferson Twp. for road r-o-w purposes; requested by City of Gahanna.
0215-2000	9-18-00	Accepts annexation application of 6547 Clark State Rd. (28.7 acres) from Jefferson Twp.; requested by City of Gahanna.
0234-2000	10-2-00	Accepts annexation application for 1.8 acres in Jefferson Twp.; requested by N.B. Wolfe.
0230-2001	12-17-01	Accepts annexation of 5.4 acres at 4436 E. Johnstown Rd. from Jefferson Twp. to the City; D.E. Sager et al., applicant.
0008-2002	1-22-02	Accepts annexation of 0.849 acres from Jefferson Twp. to City; property at 4300 N. Hamilton Rd.; G.L. and T.M. England, petitioners.
0042-2002	3-4-02	Accepts annexation of 9 acres at Morse and Hamilton Rds., Jefferson Twp.; Park National Bank, trustee, petitioner.
0043-2002	4-15-02	Accepts annexation of 2.7 acres at 4479 Johnstown Rd., Jefferson Twp.; G.E. and J.M. Green, petitioners.
0052-2002	3-18-02	Authorizes petitioning Bd. of County Commissioners of Franklin Cty. to annex 0.783 acres, a road r-o-w at 4545 E. Johnstown Rd.
0102-2002	6-3-02	Accepts annexation of 5.967 acres from Jefferson Twp. at 5171 Shagbark Rd.; M. Senett, et al., applicant.
0159-2002	9-3-02	Accepts annexation of 3.1 acres at Taylor Rd. and Cross Point Rd. from Jefferson Twp.; D.R. Kenney, applicant.
0215-2002	11-4-02	Accepts annexation of 1.3 acres, a roadway r-o-w along Havens Corners Rd. from Jefferson Twp.; City as applicant.
0216-2002	11-4-02	Accepts annexation of 1.1 acres, a roadway r-o-w at 4545 E. Johnstown Rd. from Jefferson Twp.; City as applicant.

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
990099	3-29-99	1.006 acres at 4203 N. Hamilton Rd. zoned SO, Suburban Office; Gahanna Place Ltd., applicant.
990177	5-3-99	0.748 acres at SE corner of Morse and Hamilton Rds. zoned CC-2, Community Commercial Modified; the New Albany Co., owner.
990251	6-21-99	42.035 acres at 6505 Morse Rd. zoned SF-2/ROD, Single Family Residential-2 base zoning, with residential overlay; G. Dugger, agent for applicant.
0009-2000	2-7-00	Property at 5079 Shagbark Rd. (13.7 acres) zoned L-AR Limited Overlay Apartment Residential District; Stonehenge Co., applicant.
0010-2000	2-7-00	Property at 5050 and 5101 Shagbark Rd. (6.49 acres) zoned L-AR Limited Overlay Apartment Residential District; Stonehenge Co., applicant.
0034-2000	3-6-00	Property at 870 E. Johnstown Rd. (0.923 acres) zoned L-SO Limited Overlay Suburban Office District; G.E. Parker, Jr., applicant.
0077-2000	4-17-00	Property at 680-730 Taylor Rd. (9 acres) zoned L-SO Limited Overlay Suburban Office; Daimler Group, applicant.
0142-2000	7-5-00	Property at 335 W. Johnstown Rd. (2 acres) zoned SO Suburban Office District; Moose Lodge 2463, applicant.
0160-2000	7-17-00	Property at 4240 N. Hamilton Rd. (0.882 acres) zoned SF-1 Single Family Residential District; M. Van Huffel, applicant.
0161-2000	7-17-00	Several properties on Beacher Rd., Johnstown Rd. and Shagbark Rd. zoned: (a) L-SO Limited Overlay Suburban Office (3.59 acres and 2.484 acres). (b) L-CC Limited Overlay Community Commercial (8.75 acres). (c) L-AR Limited Overlay Apartment Residential (6.3 acres). Canini and Pellecchia, Inc. by Glen A. Dugger, applicant.
0169-2000	7-17-00	Property at 4433 Johnstown Rd. zoned ER-1 Estate Residential District; City of Gahanna, applicant.
0196-2000	8-21-00	Property at 94 Price Rd. (3.546 acres) zoned ER-2 Estate Residential; City Development Department, applicant.
0205-2000	9-5-00	Property at 5099-5145 Morse Rd. (30.377 acres) zoned L-AR Limited Overlay Apartment Residential District; Triangle Real Estate Services, applicant.
0259-2000	11-20-00	Properties at 4598 N. Hamilton Rd. and extending east zoned CC-2 Community Commercial Modified (from L-AR) (2.5 acres); also 1.8 acres (from ER-2) Continental Real Estate by Sean Cullen, applicant.
0284-2000	12-4-00	Property at 4618 N. Hamilton Rd. (1.8 acres) zoned CC-2 Community Commercial 2 District; Continental Real Estate by Sean Cullen, applicant.

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
0285-2000	12-4-00	The Hannah Property at 6547 Clark State Rd. (28.7 acres) zoned ER-1 Estate Residential District; City of Gahanna, applicant.
0021-2001	3-19-01	5.1 acres at 329 W. Johnstown Rd. from SF-3 to L-AR Limited Overlay Multi-Family Residential District; A. and J. Hamm, applicants.
0106-2001	6-4-01	Rezoning 3 acres at 93-101 S. Stygler Rd. as SO Suburban Office District; G. Cheses, applicant.
0180-2001	9-4-01	6555 Clark State Rd. (1.141 acres) from ER-1 to ER-2 Estate Residential District; Gahanna Dept. of Development, applicant.
0229-2001	11-19-01	15 acres at 4443-4469 E. Johnstown Rd. zoned AR Multi-Family Residential District; D.T. Plank, applicant.
0036-2002	2-19-02	13 acres on W side of Olde Ridenour Rd. from SF-3 to ROD/SF-3 District.
0036-2002	2-19-02	13 acres on west side of Olde Ridenour Rd. from SF-3 to ROD/SF-3 District; Canini & Pellecchia, Inc., by Larry Canini, applicant.
0061-2002	4-1-02	1.3 acres at 5866 Taylor Rd., zoned ER-2 Estate Residential District; Joseph Patterson, landowner, City as applicant.
0075-2002	4-15-02	0.849 acres at 4300 N. Hamilton Rd., zoned CC Community Commercial District; Tom A. Donley by Glen A. Dugger, applicant.
0091-2002	5-20-02	8.963 acres at Morse and Hamilton Rds. zoned CC2; Gahanna Properties, L.L.C., by Bret Boyd, applicant.
0100-2002	6-3-02	Changing text for L-CC zoning for 1.5 acres at Beecher & Beecher Crossing North, allowing for right-in/right-out curb cut on Beecher Rd.; Canini & Pellecchia, by Larry Canini, applicant.
0154-2002	9-3-02	38.8 acres on N side of Taylor Rd., E of Rice Ave. zoned SF-3 ROD, Single-Family Residential Overlay District; Homewood, by J.C. Hanks, applicant.
0177-2002	10-7-02	5.943 acres and 15.41 acres on Shagbark Rd. zoned L-AR Limited Overlay Apartment Residential District; the Stonehenge Co., Mo Dioun by Smith & Hale, Glen A. Dugger, applicant.
0178-2002	10-7-02	12.646 acres at 1155 E. Johnstown Rd. zoned SO Suburban Office District; City as applicant.
0196-2002	10-21-02	2.623 acres at 4491 E. Johnstown Rd. zoned AR Apartment Residential District; City as applicant.
0197-2002	10-21-02	7.46 acres at 542 W. Johnstown Rd. zoned RID Restricted Institutional District; Victory in Pentecost Church, owner, by City of Gahanna, applicant.
0199-2002	10-21-02	2.7 acres at 4479 Johnstown Rd. zoned AR Apartment Residential District; Contemporary Construction Services, applicant.
0214-2002	11-4-02	3.9 acres at 600 Cross Pointe Rd. (newly annexed) zoned M-1 Manufacturing District.

CODIFIED ORDINANCES OF GAHANNA

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

- Chap. 101. Codified Ordinances.
- Chap. 103. Official Standards.
- Chap. 105. Wards and Boundaries.
- Chap. 107. Open Meetings.

TITLE THREE - Legislative

- Chap. 121. Council.
- Chap. 123. Ordinances and Resolutions.

TITLE FIVE - Administrative

- Chap. 131. Mayor.
- Chap. 133. Department of Finance.
- Chap. 134. Affirmative Action Program.
- Chap. 135. Department of Public Service.
- Chap. 136. City Engineer.
- Chap. 137. Department of Public Safety.
- Chap. 138. Department of Human Resources.
- Chap. 139. Police Department.
- Chap. 141. Fire Department.
- Chap. 143. Department of Law.
- Chap. 145. Planning Commission.
- Chap. 147. Board of Zoning and Building Appeals.
- Chap. 148. Department of Development and Redevelopment.
- Chap. 149. Civil Service Commission.
- Chap. 150. Cable Advisory Board.
- Chap. 151. Department of Parks and Recreation.
- Chap. 153. Parks and Recreation Board.
- Chap. 154. Landscape Board.
- Chap. 155. Employees Generally.
- Chap. 157. Records Management Program.

TITLE SEVEN - Finance

- Chap. 161. Income Tax.
- Chap. 163. Motor Vehicle License Tax.
- Chap. 165. Hotel/Motel Tax.

TITLE NINE - Judicial

- Chap. 171. Mayor's Court.

TITLE FIVE - Administrative

- Chap. 131. Mayor.
- Chap. 133. Department of Finance.
- Chap. 134. Affirmative Action Program.
- Chap. 135. Department of Public Service.
- Chap. 136. City Engineer.
- Chap. 137. Department of Public Safety.
- Chap. 138. Department of Human Resources.
- Chap. 139. Police Department.
- Chap. 141. Fire Department.
- Chap. 143. Department of Law.
- Chap. 145. Planning Commission.
- Chap. 147. Board of Zoning and Building Appeals.
- Chap. 148. Department of Development and Redevelopment.
- Chap. 149. Civil Service Commission.
- Chap. 150. Cable Advisory Board.
- Chap. 151. Department of Parks and Recreation.
- Chap. 153. Parks and Recreation Board.
- Chap. 154. Landscape Board.
- Chap. 155. Employees Generally.
- Chap. 157. Records Management Program.

CHAPTER 131
Mayor

- | | |
|--|--|
| <ul style="list-style-type: none"> 131.01 Emergency powers. 131.02 State of emergency proclamation. 131.03 State of emergency termination, extension. 131.04 Authority not limited by chapter. | <ul style="list-style-type: none"> 131.05 Obedience to lawful order. 131.06 Emergency Operations Plan. 131.07 Full-time Mayor. 131.99 Penalty. |
|--|--|

CROSS REFERENCES

- Election and term - see CHTR. Art. III, §3.01
- Qualifications - see CHTR. Art. III, §3.02
- Judicial powers - see CHTR. Art. III, §3.03
- Executive, administrative powers - see CHTR. Art. III, §3.04
- Veto power - see CHTR. Art. III, §3.05
- Acting Mayor - see CHTR. Art. III, §3.06
- Vacancy in office - see CHTR. Art. III, §3.07
- Compensation fixed by Council - see CHTR. Art. IV, §4.17

131.01 EMERGENCY POWERS.

Whenever, in his judgment, the Mayor determines that an emergency exists as a result of any natural disaster or man-made calamity, or clear and present danger thereof, or riot, insurrection, mob action or other civil disturbance causing danger of injury or damages to persons or property, he shall have power to impose by proclamation any or all of the following regulations necessary to restore the peace and order of the Municipality:

- (a) Prohibit or limit the number of persons who may gather or congregate upon the public highways, public sidewalks or any outdoor place, or in any theater, restaurant, place of public assembly or commercial establishment to which the public has access;
- (b) Restrict or prohibit movement within, above or beneath the area or areas which, in his judgment, are imperiled by the public danger or emergency;
- (c) Establish a curfew during such hours of the day or night as he deems advisable and prohibit persons from being out of doors during such curfew;
- (d) Prohibit or restrict the retail sale, distribution or giving away of gasoline or other liquid, flammable or combustible products in any container other than the gasoline tank properly affixed to a motor vehicle.
- (e) Order the closing of gasoline stations and other establishments engaged in the retail sale, distribution or dispensing or giving away of liquid, flammable or combustible products;
- (f) Prohibit or restrict the sale, distribution, dispensing or giving away of any firearms or ammunition of any character whatsoever;
- (g) Order the closing of any and all establishments or portions thereof engaged in the sale, distribution, dispensing or giving away of firearms and/or ammunition;
- (h) Prohibit or restrict the carrying or possession of a weapon or any object intended to be used as a weapon, including, but not limited to, firearms, bows and arrows, air rifles, sling shots, knives, razors, broken bottles, fire bombs, missiles of any kind, clubs, blackjacks, billies, chains or similar items on the public streets or public sidewalks or in any public park or square or any other public place;
- (i) Prohibit or restrict the retail sale, distribution, dispensing or giving away of acids, caustics or any chemicals or other substances capable of being used singly or in combination to cause injury or damage to persons or property;
- (j) Prohibit or restrict the retail sale, distribution, dispensing or giving away of any beer or alcoholic beverage;
- (k) Call upon regular and auxiliary law enforcement agencies and organizations within or without the Municipality to assist in preserving and keeping the peace within the Municipality.
- (l) Restrict, control, and/or discontinue water service to residential and commercial consumers if a water distribution problem has been identified by the City of Columbus or a state of water emergency proclaimed by the Mayor of Gahanna. (Ord. 255-2001. Passed 12-17-01.)

131.02 STATE OF EMERGENCY PROCLAMATION.

When the Mayor determines that an emergency exists, as set forth in Section 131.01, he shall forthwith proclaim in writing the existence of the same and the time of its inception, and shall issue a proclamation thereof to the public through the news media and such other means of dissemination as he deems advisable.

(Ord. 255-2001. Passed 12-17-01.)

131.03 STATE OF EMERGENCY TERMINATION, EXTENSION.

Any emergency proclaimed in accordance with the provisions of this chapter shall terminate after seventy-two hours of the issuance thereof or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first. However, such emergency may be extended for such additional periods of time as determined necessary by the Mayor. (Ord. 255-2001. Passed 12-17-01.)

131.04 AUTHORITY NOT LIMITED BY CHAPTER.

The powers conferred by this chapter are in addition to any other powers which may be conferred by Federal law or state statute or Municipal ordinance and nothing in this chapter shall be construed to modify or limit such authority, powers, duties and responsibilities of any officer or public official as may be provided by law. Nothing in this chapter shall be construed to permit suspension of the privilege to a writ of habeas corpus. (Ord. 255-2001. Passed 12-17-01.)

131.05 OBEDIENCE TO LAWFUL ORDER.

No person shall fail to obey the lawful order of any police officer, militiaman, fireman, member of the National Guard or other authorized person acting under orders or authority issued under the provisions of this chapter. (Ord. 255-2001. Passed 12-17-01.)

131.06 EMERGENCY OPERATIONS PLAN.

The Emergency Operations Plan was adopted by Ordinance 0254-2001 on December 17, 2001. In accordance with the recommendation of the Director of Emergency Management, this Plan shall be updated each year and kept current at all times. (Ord. 255-2001. Passed 12-17-01.)

131.07 FULL-TIME MAYOR.

Commensurate compensation for the position of Mayor is hereby authorized and directed in the amounts and on the effective dates declared below:

- (a) (1) Effective January 3, 2000:
Seventy-one thousand five hundred dollars (\$71,500) per year, payable at regular pay periods.
 - (2) Effective January 2, 2001:
Seventy-four thousand three hundred sixty dollars (\$74,360) per year, payable at regular pay periods.
 - (3) Effective January 2, 2002:
Seventy-seven thousand three hundred thirty-four dollars (\$77,334) per year, payable at regular pay periods.
 - (4) Effective January 2, 2003:
Eighty thousand four hundred twenty-eight dollars (\$80,428) per year, payable at regular pay periods.
 - (b) (1) Effective January 3, 2004: Eighty-two thousand eight hundred forty-one dollars (\$82,841) per year, payable at regular pay periods.
 - (2) Effective January 2, 2005: Eighty-five thousand three hundred and twenty-six dollars (\$85,326) per year, payable at regular pay periods.
 - (3) Effective January 2, 2006: Eighty-seven thousand eight hundred eighty-six dollars (\$87,886) per year, payable at regular pay periods.
 - (4) Effective January 2, 2007: Ninety thousand five hundred twenty-two dollars (\$90,522) per year, payable at regular pay periods.
- (Ord. 0012-2003. Passed 2-3-03.)

(c) Hospitalization, surgical, major medical, life, dental and vision insurance as set forth in Article V of the Unclassified Personnel Salary Ordinance shall apply to this full-time elected position. (Ord. 255-2001. Passed 12-17-01.)

131.99 PENALTY.

Whoever violates any prohibition contained in, or knowingly fails to perform any duty required by a proclamation, order or regulation issued and in effect pursuant to this chapter, shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. (Ord. 255-2001. Passed 12-17-01.)

CHAPTER 133
Department of Finance

- | | |
|---|--|
| <p>133.01 Deputy Director of Finance: duties.</p> <p>133.02 Vending Machine Income Fund; creation and use.</p> <p>133.03 Cosignatures on City checks.</p> <p>133.04 Miscellaneous Permanent Improvement Fund.</p> <p>133.05 Return check or ACH (Automated Clearing House) charge.</p> <p>133.051 Fund reconciliation statements.</p> <p>133.052 Outstanding checks.</p> <p>133.06 Urban Redevelopment Tax Increment Equivalent Fund.</p> <p>133.07 Stormwater Management Fund.</p> <p>133.08 Photocopy charge.</p> | <p>133.09 Capital Improvements Fund.</p> <p>133.091 Law Enforcement Trust Fund.</p> <p>133.092 Enforcement and Education Fund.</p> <p>133.093 Municipal Mayor's Court Computer Fund.</p> <p>133.094 Gahanna Police Duty Weapons Fund.</p> <p>133.095 Parks and Recreation Special Fund.</p> <p>133.096 Gahanna Cops Fast Fund.</p> <p>133.097 Accumulated Vacation and Sick Pay Trust Fund.</p> <p>133.098 Public Landscape Trust Fund.</p> <p>133.10 Cooperative purchasing with State.</p> |
|---|--|

CROSS REFERENCES

- Council to provide financial audit - see CHTR. Art. IV, Sec. 4.05
 Appointment and vacancy of Director of Finance - see CHTR. Art. V, Sec. 5.01
 Powers and duties of Director of Finance - see CHTR. Art. V, Sec. 5.02
 Uniform Depository Act - see Ohio R.C. Ch. 135
 Treasury Investment account - see Ohio R.C. 731.56 et seq.
 Books and accounts - see Ohio R.C. 733.11 et seq.

133.01 DEPUTY DIRECTOR OF FINANCE: DUTIES.

The Deputy Director of Finance shall be responsible for the administration of the Gahanna Municipal Income Tax under the supervision of the Director of Finance. The Deputy Director of Finance shall assist the Director of Finance in any immediate requirements of the office of Director of Finance and shall serve as Acting Director of Finance during the absence of the Director of Finance. (Ord. 44-74. Passed 7-16-74.)

133.02 VENDING MACHINE INCOME FUND; CREATION AND USE.

(a) All income accruing to the City from the various vending machines located on property owned or leased by the City, except those located at the Gahanna Municipal Golf Course, shall be placed in the Vending Machine Income Fund, which is hereby created.

(b) The Director of Finance is hereby authorized and directed, to appropriate funds as needed from the Vending Machine Income Fund for the purpose of purchase of coffee, cups, cream, coffee makers, etc., for use within the Municipal Complex of the City. (Ord. 39-76. Passed 4-14-76.)

133.03 COSIGNATURES ON CITY CHECKS.

(a) The Director of Finance and Deputy Director of Finance are hereby authorized and directed as cosignatories to execute all checks prepared by the City.

(b) The Mayor is hereby authorized and directed to execute all checks prepared by the City in the event that one of the persons set forth in subsection (a) hereof is not available to execute checks prepared by the City. (Ord. 9-76. Passed 1-20-76.)

133.04 MISCELLANEOUS PERMANENT IMPROVEMENT FUND,

(a) There is hereby created a "Miscellaneous Permanent Improvement Fund", as a special fund authorized by Ohio R.C. 5705.12, into which shall be deposited rental payments to the City under leases of parcels of land owned by the City and located within the urban renewal area known as "Urban Renewal and Redevelopment Plan for City of Gahanna, Ohio". Reimbursement for taxes paid, service payments in lieu of taxes received by the City pursuant to Ohio R.C. 5709.42, and other similar service charges or reimbursement of costs received by the City shall not be deposited in the Miscellaneous Permanent Improvement Fund, even though designated as or included with rental payments, but shall be deposited to such other funds as are appropriate.

(b) Moneys deposited in the Miscellaneous Permanent Improvement Fund shall be disbursed and used for any of the following purposes, and for no other purposes:

- (1) Acquiring, purchasing and/or constructing permanent improvements, including land acquisition costs, for any public purpose, except permanent improvements which are located on or directly serve only parcels of land that contain improvements, as defined in Ohio R.C. 5709.41, that are or are to be exempt from real property taxation under Ohio R.C. 5709.41 and for which annual service payments in lieu of taxes are or are to be paid under Ohio R.C. 5709.42.
- (2) Paying the principal and/or interest on notes, certificates of indebtedness and bonds issued to finance permanent improvements for any public purpose, except permanent improvements which are located within an urban renewal area or located on or directly serve only parcels of land that contain improvements, as defined in Ohio R.C. 5709.41, that are or are to be exempt from real property taxation under Ohio R.C. 5709.41 and for which annual service payments in lieu of taxes are or are to be paid under Ohio R.C. 5709.42.
- (3) Paying the cost of maintaining and operating, including the payment of taxes, property purchased for any public purpose pending the use of such property for the purpose for which it was acquired, except property included within parcels of land that contain improvements, as defined in Ohio R.C. 5709.41, that are or are to be exempt from real property taxation under Ohio R.C. 5709.41, and for which annual service payments in lieu of taxes are or are to be paid under Ohio R.C. 5709.42.

(Ord. 102-78. Passed 11-7-78.)

133.05 RETURN CHECK OR ACH (AUTOMATED CLEARING HOUSE) CHARGE.

(a) When a check is written to the City, as payee, and it is returned from the bank because of insufficient funds, closed account, or other reason, the direct cause thereof being the fault of the signee of the check, there shall be a thirty-five dollar (\$35.00) charge to the signee of the check in addition to the liability of making the check good and any other penalties assessed by law. In addition, where an ACH (Automated Clearing House) payment has been authorized as payment to the City and returned unpaid the same as above, there shall be a twenty-five dollar (\$25.00) charge to the person who authorized the ACH to be instituted; and (Ord. 0244-2002. Passed 12-16-02.)

(b) This charge shall be reviewed at least annually in order to align with prevailing charges exercised by the banking industry.

(c) Funds collected pursuant to this section shall be deposited to the General Fund. (Ord. 301-93. Passed 12-21-93.)

133.051 FUND RECONCILIATION STATEMENTS.

The Director of Finance is hereby directed to include with the "To Date Fund Statement for Month Ending" a reconciliation of all funds of the City of Gahanna as suggested by the Auditor of State. (Ord. 125-86. Passed 12-16-86.)

133.052 OUTSTANDING CHECKS.

The Director of Finance shall issue stop payment on any check not redeemed within six months from date of issuance and shall credit the appropriate funds accordingly. Disbursement checks hereafter shall read "Void After 180 Days." (Ord. 125-86. Passed 12-16-86.)

133.06 URBAN REDEVELOPMENT TAX INCREMENT EQUIVALENT FUND.

(a) There is hereby created an "Urban Redevelopment Tax Increment Equivalent Fund", as authorized by Ohio R.C. 5705.13 and 5709.43, into which shall be deposited annual service payments in lieu of taxes distributed to the City of Gahanna by the County Treasurer as provided in Ohio R.C. 5709.42.

(b) Moneys deposited in the "Urban Redevelopment Tax Increment Equivalent Fund" shall be disbursed and used for any of the following purposes, and for no other purposes; provided that the following purposes are subject to the limitations on the use of such moneys as set forth in subsection (c) hereof and none of the following listed purposes shall be deemed to permit a use of such moneys in a manner that violates subsection (c) hereof:

- (1) Planning, administering, acquiring, purchasing and/or constructing permanent improvements, including land acquisition costs, for any municipal purpose.
- (2) Providing facilities, supplies, equipment, personnel or services for programs for youth and the elderly.
- (3) Planning, administering and providing programs, activities, personnel and services for the development, redevelopment or renewal of the City, including but not limited to housing code administration and enforcement, zoning administration and enforcement, planning, subdivision regulation, urban renewal or redevelopment purposes, and other activities to eliminate and prevent the recurrence of blight or to redevelop deteriorating areas within the City.

- (4) Planning, administering and providing facilities, equipment, supplies, programs, activities, personnel and services to enhance and protect the public health within the City.
- (5) Planning, administering and providing facilities, equipment, supplies, programs, activities, personnel and services for traffic and criminal law enforcement and crime prevention and abatement within the City.
- (6) Planning, administering and providing facilities, equipment, supplies, programs, activities, personnel and services for fire protection and prevention within the City.
- (7) Providing legal services for the City, whether by officers or employees of the City or by special counsel.
- (8) Repairs, maintenance or operation of municipal property, real or personal, facilities and/or equipment.
- (9) To pay the costs of providing facilities, supplies, equipment, activities, programs, personnel or services during emergencies created by acts of nature, war, civil insurrection, and/or economic recessions or depressions adversely affecting the City or its inhabitants, when authorized by the Mayor.
- (10) To pay other current operating expenses of the City for any other purposes as may be determined by the Council of the City, such determination to be made by ordinance.

(c) Moneys deposited in or credited to the Urban Redevelopment Tax Increment Equivalent Fund shall not be:

- (1) Pledged or used to pay principal and interest on notes, certificates of indebtedness or bonds issued by the City, nor to pay other costs related to incurring or retiring debt of the City.
- (2) Used to pay for or provide current operating expenses or permanent improvements which benefit only parcels of land that contain improvements, as defined in Ohio R.C. 5709.41, that are or are to be exempt from real property taxation under Ohio R.C. 5709.41 and for which annual service payments in lieu of taxes are or are to be received under Ohio R.C. 5709.42.

(d) Any incidental surplus or balance remaining in the Urban Redevelopment Tax Increment Equivalent Fund upon the dissolution of that fund shall be transferred to the General Fund of the City.

(Ord. 121-78. Passed 12-19-78.)

133.07 STORMWATER MANAGEMENT FUND.

(a) A special fund designated as the Stormwater Management Fund is hereby established.

(b) The sums budgeted and appropriated, pursuant to Section 161.18, for the purpose of stormwater system improvement and such other sums as Council deems appropriate, shall be paid directly into this special fund.

(Ord. 15-83. Passed 3-15-83.)

CHAPTER 138
Department of Human Resources

- | | |
|--|--|
| <p>138.01 Establishment of Department; Director appointed.</p> <p>138.02 Qualifications of Director.</p> <p>138.03 Duties and responsibilities of Director.</p> | <p>138.04 Additional employment and public office provisions for Director.</p> <p>138.05 Vacancy in office; Acting Director.</p> |
|--|--|

CROSS REFERENCES

Department of Human Resources - see CHTR. Art. XIV

138.01 ESTABLISHMENT OF DEPARTMENT; DIRECTOR APPOINTED.

(a) There is hereby established a Department of Human Resources to be headed by the Director of Human Resources.

(b) The Department of Human Resources shall be an administrative department of the City as created by Charter change passed November 6, 2001. The Mayor shall appoint the Director of Human Resources, subject to confirmation of Council. The Director shall serve at the pleasure of the Mayor and may be removed by the Mayor.
(Ord. 0055-2002. Passed 4-1-02.)

138.02 QUALIFICATIONS OF DIRECTOR.

The following qualifications shall be required:

- (a) Bachelor's degree in human resources, personnel or related field.
 - (b) A minimum of five years' experience in human resources management.
 - (c) The following qualifications shall be desired:
 - (1) Experience in labor negotiations.
 - (2) Working knowledge of Civil Service Rules and Regulations.
 - (3) Human Resources experience on a governmental level.
 - (4) Working knowledge of Occupational Safety and Health Administration rules and regulations; Department of Labor rules and regulations; and Fair Labor Standards Act.
 - (5) Ability to create and maintain computerized records.
- (Ord. 0055-2002. Passed 4-1-02.)

138.03 DUTIES AND RESPONSIBILITIES OF DIRECTOR.

(a) The duties and responsibilities of the Director of Human Resources as listed in the Charter are:

- (1) Responsible for coordinating recruitment;
- (2) Administering the classification and pay plan;
- (3) Assisting with collective bargaining;
- (4) Maintaining personnel files;
- (5) Identifying training needs, and locating training resources;
- (6) Administering benefit programs and human resource policy;
- (7) Ensure compliance with legislative actions and administrative rulings.

(b) Other powers, duties and functions shall be as follows:

- (1) Creation and maintenance of a centralized employee records system under the control of the Director of Human Resources with exception of payroll records as maintained by the office of the Director of Finance.
- (2) Creation and implementation of a comprehensive set of personnel policies and procedures in compliance with all state and federal regulations.
- (3) Make recommendations for changes to said personnel policies and procedures for employees of the City of Gahanna subject to the approval of the Mayor.
- (4) Creation and implementation of an employee evaluation system with the approval of the Mayor and Council.
- (5) Administration, coordination and monitoring of employee benefit programs.
- (6) Oversight of Workers' Compensation claims.
- (7) Assist in all labor relations matters including labor negotiations, grievance arbitrations, hearings before the Civil Service Commission and the State Employment Relations Board.
- (8) Any other duties as prescribed by the Mayor.
(Ord. 0055-2002. Passed 4-1-02.)

138.04 ADDITIONAL EMPLOYMENT AND PUBLIC OFFICE PROVISIONS FOR DIRECTOR.

The Director of Human Resources shall not hold any other public office or employment that shall be incompatible with the office of Director of Human Resources as determined by the Mayor and Council. (Ord. 0055-2002. Passed 4-1-02.)

138.05 VACANCY IN OFFICE; ACTING DIRECTOR.

The Mayor, with the approval of Council, may designate an Acting Director to serve in the event of a vacancy in the office or the temporary absence or disability of the Director of Human Resources, and such Acting Director shall exercise all the powers, duties and functions of the Director of Human Resources.
(Ord. 0055-2002. Passed 4-1-02.)

CHAPTER 143
Department of Law

- | | |
|---|--|
| <p>143.01 Duties.</p> <p>143.02 Responsibilities not limited by chapter.</p> <p>143.03 Part-time position.</p> | <p>143.04 Assistants.</p> <p>143.05 Special counsel.</p> |
|---|--|

CROSS REFERENCES

Appointment of City Attorney - see CHTR. Art. X, Sec. 10.01
 Qualifications of City Attorney - see CHTR. Art. X, Sec. 10.02
 Duties of City Attorney - see CHTR. Art. X, Sec. 10.03

143.01 DUTIES.

(a) General. The City Attorney shall do any and all acts necessary to accommodate the City in the performance of its functions as a Charter city and shall perform such other duties consistent with powers of the Office of City Attorney, which are prescribed by Charter, Council or laws of the City.

(b) Representation of Officials/Litigation. The City Attorney shall provide advice and legal representation to the City and all elected and appointed officials and employees of the City, in their official capacities, in any litigation in which the City and/or elected and appointed officials and employees, in their official capacities, are parties.

(c) Availability. The City Attorney shall be available at all times to advise elected and appointed officials of the City on City matters. In addition, the City Attorney or his or her qualified assistant shall attend all regular and special Council meetings and all sessions of Mayor's Court. The City Attorney or his or her qualified assistant shall upon request attend meetings of the Planning Commission, Board of Zoning and Building Appeals, Civil Service Commission and meetings of regular or special Council Committees or Planning Commission workshop sessions.

(d) Instruments. The City Attorney shall:

- (1) Prepare all contracts, bonds and other instruments in which the City is concerned;
- (2) Render opinions to City officials pertaining to City business, provided such requests are reduced to and submitted in writing;
- (3) Prepare, assist in preparation of, or review all, ordinances, resolutions and other legal documents pertaining to the business of the City.

(e) The City Attorney shall not perform any professional work unrelated to the business of the City in any facilities of the City or with any equipment or staff of the City, provided that the City Attorney may use the City's phone facilities for matters reasonably necessary to his or her private practice which does not conflict with the public obligation of the City Attorney and may similarly use the City's legal research facilities consistent with the use allowed to the general public. (Ord. 57-83. Passed 8-2-83.)

143.02 RESPONSIBILITIES NOT LIMITED BY CHAPTER.

The responsibilities conferred by this chapter are in addition to any other duties and responsibilities conferred by Federal law, State statute or Municipal ordinance, and nothing in this chapter shall be construed to modify or limit such authority, powers, duties and responsibilities of any officer or public official as may be provided by law.

(Ord. 57-83. Passed 8-2-83.)

143.03 PART-TIME POSITION.

(a) Effective January 3, 2000, the position of City Attorney shall be a part-time position to be paid compensation in the amount of forty-eight thousand dollars (\$48,000) per annum, payable at the regular pay periods, together with payment by the City to the Public Employees Retirement System for the benefit of the office holder as prescribed by law. It is further stated herein that compensation means salary; any other items, such as staffing, office space, and/or hospitalization, if any, shall be determined at a later time.

(Ord. 990037.)

(b) Council hereby determines that effective January 3, 2004, the position of City Attorney of the City of Gahanna shall be a part-time position and compensation is hereby authorized and directed in the amounts and on the effective dates declared below:

Effective January 3, 2004: Forty-nine thousand four hundred forty dollars (\$49,440) per annum, payable at the regular pay periods.

Effective January 3, 2005: Fifty thousand nine hundred twenty-three dollars (\$50,923) per annum, payable at the regular pay periods.

Effective January 3, 2006: Fifty-two thousand four hundred fifty-one dollars (\$52,451) per annum, payable at regular pay periods.

Effective January 3, 2007: Fifty-four thousand twenty-four dollars (\$54,024) per annum, payable at regular pay periods.

Payment by the City of Gahanna to the Public Employee Retirement System for the benefit of the office holder as prescribed by law shall also be made. It is further stated herein that compensation means salary; any other items, such as staffing, office space, and/or hospitalization, if any shall be determined at a later time.

(Ord. 0011-2003. Passed 2-3-03.)

143.04 ASSISTANTS.

(a) The City Attorney may appoint assistants.

(b) Council may authorize the employment by contract of persons to prosecute cases in Franklin County Municipal Court and in Gahanna Mayor's Court.

(Ord. 64-96. Passed 3-19-96.)

143.05 SPECIAL COUNSEL.

(a) From time to time, as Council determines as necessary or approves the recommendation of the City Attorney, Council may authorize the employment of special counsel to assist the City Attorney in the representation of the City or City officials or employees, in their official capacities.

(b) Compensation for such special counsel shall be paid from money specially appropriated for such services.

(Ord. 57-83. Passed 8-2-83.)

CHAPTER 147
Board of Zoning and Building Appeals

- | | |
|---|---|
| <p>147.01 Jurisdiction.</p> <p>147.02 Organization and powers.</p> <p>147.03 Appeals to the Board.</p> | <p>147.04 Fees.</p> <p>147.05 Disposition of appeals.</p> |
|---|---|

CROSS REFERENCES

- Mayor's power to appoint and remove members - see CHTR.
Art. III, Sec. 3.04; Art. XII, Sec. 12.01
- Composition and term; vacancy - see CHTR. Art. XII, Sec. 12.01
- Organization - see CHTR. Art. XII, Sec. 12.02
- Jurisdiction - see CHTR. Art. XII, Sec. 12.03
- Meetings and procedures - see CHTR. Art. XII, Sec. 12.04
- Appeal; public hearing - see CHTR. Art. XII, Sec. 12.05

147.01 JURISDICTION.

The Board of Zoning and Building Appeals (hereinafter "Board") shall have the powers and duties as prescribed by Article XII of the City Charter, and any other duties prescribed by state law or City ordinance, which are not in conflict with the City Charter.
(Ord. 0179-2002. Passed 10-7-02.)

147.02 ORGANIZATION AND POWERS.

(a) Organization. The Board of Building and Zoning Appeals shall, at its organizational meeting, elect from its members a chairman and a vice chairman. These officers shall serve a term of one (1) year. The Clerk of Council shall serve as the Secretary of the Board, shall serve as the official custodian of its records, and shall perform such duties for the Board as are required. All filings pertaining to official Board actions and appeals shall be submitted to the Clerk. A duly appointed Deputy Clerk of Council may perform the duties prescribed for the Clerk under this section.

(b) Powers. The Board may adopt any rules necessary to implement and enforce Article XII of the City Charter and the City Codified Ordinances. The Board may issue subpoenas for the taking of testimony or production of documents pertaining to matters before it. The Board may require any City official or employee it considers to have information pertinent to an appeal to appear before it. (Ord. 0179-2002. Passed 10-7-02.)

147.03 APPEALS TO THE BOARD.

(a) Appellant's Requirements. Appeals shall be in writing, in the form prescribed by law, and shall be filed with the Clerk of Council within 30 days from the date of the action being appealed. The following items shall be filed with each appeal:

- (1) A concise statement of the reason or legal basis for the appeal, along with a citation of the applicable Code section(s) signed by the appellant or agent, with the appellant or agent's printed name, address and telephone number.
- (2) A listing of proposed exhibits, not already contained in the record, which shall be signed by the appellant or agent, along with 10 copies of each of the exhibits;
- (3) An affidavit of the applicant listing the names and addresses of all property owners contiguous to, and directly across the street from the property, as appearing on the Franklin County Auditor's current tax list;
- (4) The filing fee required by Section 147.04;

(b) Appellee's Requirements. The City official, employee or body whose decision is under appeal is deemed the appellee and is a party to the appeal.

Within seven (7) days of notification of an appeal, the appellee shall transmit to the Clerk of Council the records pertaining to the matter under appeal. Further, the Board may require the appellees to provide a written statement describing the basis for the decision under appeal.

(c) Interested Party Requirements. Any other person or organization wishing to intervene in the appeal as an interested party, shall place the Board on notice of the proposed intervention. The notice shall be in writing, or shall be in person and on the record, and shall identify the interested party, the specific interest of the party in the action, and provide a name, mailing address, and telephone number where the party or the party's agent may be contacted.

(d) Filing and Transmittal of Appeals. The Clerk of Council shall review the appellant's filings to ensure this section is complied with, and shall advise the appellant. Upon compliance with this section, the Clerk shall forward to the Board members all documents filed by the appellant. The Clerk shall also forward to the Board members the official record of the proceedings below.

(e) Notification Procedures. At least five days prior to the hearing, the Clerk of Council shall notify in writing the following persons:

- (1) The appellant;
- (2) The appellee(s);
- (3) Any interested parties of record, including all those persons who testified in any public hearings in opposition to the appellant's position;
- (4) All property owners identified in accordance with Section 147.03(a)(3).

(f) Hearing Procedures. If a party wishes to have a stenographer present at hearing, the party shall provide at least two days' prior written notice to the Clerk. The party requesting the stenographer is responsible for the cost of such stenographer. The Board may have a stenographer present at a hearing. If a stenographer is present in accordance with this section, the stenographer's transcript shall be the official record. If no stenographer is present, the Clerk's minutes serve as the official record of the hearing. Any matter concerning hearing procedures not governed herein shall be governed by the Board's rules.

(g) Standards. The appellant or proponent of a position which shall be before the Board has the burden of proof by a preponderance of the evidence. The Board shall consider all relevant evidence brought before it, provided however, evidence not disclosed as required may only be admitted in accordance with the Board's rules. Evidence not admitted into the record by the Board may be proffered into the record by a party.
(Ord. 0179-2002. Passed 10-7-02.)

147.04 FEES.

- (a) The filing fee for appeals is as follows:
- | | |
|---|-----------|
| (1) Single Family Residential District: | \$50.00. |
| (2) All other districts: | \$500.00. |

(b) Fees are not refundable, unless the Board orders the fee waived due to special circumstances. (Ord. 0179-2002. Passed 10-7-02.)

147.05 DISPOSITION OF APPEALS.

In any appeal of an order, adjudication, or decision, the Board may:

- (a) Affirm;
(b) Reverse;
(c) Modify; or
(d) Remand with instructions to the City official, employee or body for further consideration and/or action.

(Ord. 0179-2002. Passed 10-7-02.)

CHAPTER 149
Civil Service Commission

EDITOR'S NOTE: Rules and regulations of the Civil Service Commission were adopted by Council by Ordinance 0141-2002, passed August 5, 2002, and amended by Ordinance 0208-2002, passed October 21, 2002.

149.01 Powers and duties.**149.02 Present employees.**

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.

(a) The Civil Service Commission shall have the power to adopt rules and regulations concerning the selection, promotion, demotion, discipline and removal of employees within the classified service of the Municipality, provided such rules and regulations do not conflict with the provisions of this chapter or the laws of the State; such rules and regulations for the classified service shall not take effect until they are approved by motion of Council.

(b) Council shall appropriate sufficient moneys each year to carry out the civil service provisions of this chapter.

(c) The Commission shall appoint and remove, subject to the civil service provisions of this chapter, all employees of the Commission.
(Ord. 193-95. Passed 12-19-95.)

149.02 PRESENT EMPLOYEES.

Any person who has served the Municipality 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. 193-95. Passed 12-19-95.)

(b) The City shall not require any nonresident employer, agent of such employer, or other payer that is not situated in the City to deduct and withhold taxes from the withholding base of an individual unless the total amount of tax required to be deducted and withheld for Gahanna on account of all of the employer's employees or all of the other payer's payees exceeds one hundred fifty dollars (\$150.00) for a calendar year beginning on or after that date.

- (1) If the total amount of tax required to be deducted and withheld on account of all of the nonresident employer's employees or all of the other payer's payees exceeds one hundred fifty dollars (\$150.00) for a calendar year beginning on or after January 1, 2001, the City may require the employer, agent or other payer to deduct and withhold taxes in each ensuing year even if the amount required to be deducted and withheld in each of those ensuing years is one hundred fifty dollars (\$150.00) or less, except as otherwise provided in (b)(2) of this section.
- (2) If a nonresident employer, agent of such an employer, or other payer that is not situated in the City is required to deduct and withhold taxes for an ensuing year under (b)(1) of this section, and the total amount of tax required to be deducted and withheld under that division in each of three consecutive ensuing years is one hundred fifty dollars (\$150.00) or less, the City shall not require the employer, agent or other payer to deduct and withhold taxes in any year following the last of those consecutive years unless the amount required to be deducted and withheld in any such following year exceeds one hundred fifty dollars (\$150.00).

(c) Employers shall pay to the City all income taxes withheld or required to be deducted on either a monthly or quarterly basis, depending upon the amount of taxes involved according to the following payment schedule unless, due to nonpayment, a more stringent schedule is prescribed by the Deputy Director of Finance.

- (1) Monthly payment of taxes withheld shall be made by an employer if the taxes withheld in the prior calendar year were more than one thousand one hundred ninety-nine dollars (\$1,199) or if the taxes withheld during any month for the preceding quarter exceeded one hundred dollars (\$100.00). Such payment shall be paid to the City within fifteen days after the close of each calendar month. However, those taxes accumulated for the third month of a calendar quarter by employers making monthly payments need not be paid until the last day of the month following such quarter.
- (2) All employers not required to make monthly payments of taxes withheld under subsection (b)(1) hereof shall make quarterly payments no later than the last day of the month following the end of each quarter.
- (3) Every employer doing business within the City on a temporary basis shall pay to the City all income taxes withheld or required to be deducted and withheld on a monthly basis regardless of the amount of taxes involved. Such payment shall be paid to the City within fifteen days after the close of each calendar month. An employer is "doing business within the City on a temporary basis" when the employer maintains a place of business in the City or does business within the City for a period which the employer does not expect to exceed one year.

(d) The employer shall make and file a return on a form furnished by the Deputy Director of Finance showing the amount of tax deducted by the employer from the salaries, wages, commissions or other compensation of any employee and paid by the employer to the City.

(e) Each employer on or before February 28, unless written request for thirty days extension is made to and granted by the Deputy Director of Finance following any calendar year in which such deductions have been made, or should have been made by any employer, shall file with the Deputy Director of Finance an information return (Gahanna Withholding Statement of Wages Paid and Gahanna Income Tax Withheld Form W-2) for each employee from whom income tax has been or should have been withheld showing the name and address of the employee, the total amount of salaries, wages, commissions and other compensation paid such employee during the year, and the amount of City Income Tax withheld from each employee. In addition, each Form (W-2) shall show the employer's name, address, and City account number. An adding machine tape or list of amount of tax withheld and taxable wages as shown on the W-2's shall be attached with the number of W-2's shown. Any return not so filed shall be subject to a penalty of five dollars (\$5.00) per day for each and every day they remain in violation to a maximum of two hundred fifty dollars (\$250.00).

(f) In addition to the above, any person paying money to an individual independent contractor shall report such payment. The information should be reported on Federal Form 1099 and filed yearly on or before January 31st.

(g) Every employer or officer of a corporation is deemed to be a trustee for this Municipality in collecting and holding the tax required under this chapter to be withheld and the funds so collected by such withholding are deemed to be trust funds.

(h) The officer or the employee having control or supervision of or charged with the responsibility of filing the report and making payment is personally liable for failure to file the report or pay the tax due as required by this section. The dissolution of a corporation does not discharge an officer's or employee's liability for a failure of the corporation to file returns or pay tax due prior to dissolution.

(Ord. 0222-2002. Passed 11-18-02.)

161.08 DECLARATIONS.

(a) Every person who anticipates any taxable income which is not subject to Section 161.07, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 161.02, shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity together with the estimated tax due thereon, if any, provided however, if a person's income is wholly from wages, salaries, commissions or other compensation from which the tax will be withheld and remitted to the City in accordance with Section 161.07, such person need not file a declaration.

(b) Such declarations shall be filed on or before April 15 of each year during the life of this chapter or on or before the fifteenth day of the fourth month the taxpayer becomes subject to tax for the first time.

(c) Those taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth day of the fourth month after the beginning of each fiscal year or period.

(d) Such declaration shall be filed upon a form furnished by, or obtainable from the Deputy Director of Finance, provided, however, credit shall be taken for the City tax to be withheld from any portion of such income. Credit may be taken for tax paid to other municipalities in accordance with the provisions allowed in Section 161.18.

(e) The original declaration, or any subsequent amendment thereof, may be increased or decreased on or before any subsequent quarterly payment day as provided for herein.

(f) Such declarations of estimated tax to be paid the City shall be accompanied by a payment of at least twenty percent (20%) of the estimated tax liability for the current year.

(g) At least forty percent (40%) of the taxpayer's estimated tax liability for the current year shall be required to have been remitted on or before the thirty-first day of July.

(h) At least sixty percent (60%) of the taxpayer's estimated tax liability for the current year shall be required to have been remitted on or before the thirty-first day of October.

(i) At least eighty percent (80%) of the taxpayer's estimated tax liability for the previous year shall be required to have been remitted on or before the thirty-first day of January.

(j) In case an amended declaration has been filed, the unpaid balance show due thereon shall be paid in equal installments on or before the remaining payment dates.

(k) On or before the fifteenth day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the City shall be paid therewith in accordance with the provisions of Section 161.05.

(l) A declaration of estimated tax which is less than eighty percent (80%) of the tax as shown on the final return shall not be considered filed in good faith. The difference shall be subject to penalties and interest as provided for in Section 161.15.
(Ord. 0222-2002. Passed 11-18-02.)

161.09 MANDATORY REGISTRATION.

(a) All employers, contractors or subcontractors who do work in the City shall register with the Deputy Director of Finance, and shall present a list of all employees, subcontractors, contractors or others who may do work for them whose profits, wages or earnings are not presently subject to withholding of the Gahanna City income tax.

(b) Commencing September 1, 1977, and annually thereafter, each owner, or his duly designated agent, of real property located within the City and which is rented or available for rent as of that date shall submit to the Deputy Director of Finance of the City a list of those tenants occupying or having occupied these rental units during the past year, and those units presently vacant. Such list shall identify tenant with name, drivers license number or date of birth. For purposes of this section, "rental units" includes any unit of real property which is subject to a rental agreement whether oral or written, for residential, commercial or industrial purposes.

(c) 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. 0295-2000. Passed 12-18-00.)

161.10 DIVISION OF TAXATION; DUTIES OF THE DEPUTY DIRECTOR OF FINANCE.

(a) There is hereby established within the Department of Finance a Division of Income Taxation of which the Deputy Director of Finance shall be the administrative head, which Division shall be responsible for all matters constituting the subject matter of this chapter. The Director of Finance shall appoint such other officers and employees as may be provided for by Council.

(b) The Deputy Director of Finance shall be appointed by the Director of Finance. He or she shall be bonded.

(c) It shall be the duty of the Deputy Director of Finance to collect and receive the tax imposed by this chapter in the manner prescribed herein from the taxpayers; to keep an accurate record thereof, and to report and turn over to the Director of Finance all moneys so received.

(d) It shall be the duty of the Deputy Director of Finance to enforce payment of all tax owing the City; to keep accurate records for a minimum of five years showing the amount due from each tax payment and the date of such payment.

(e) The Deputy Director of Finance is hereby charged with the administration and enforcement of the provisions of this chapter, and he or she is hereby empowered to adopt and promulgate and to enforce rules and regulations relating to any provisions of this chapter, including provisions for the re-examination and correction of returns and payments.

(f) The Deputy Director of Finance is authorized to arrange for the payment of unpaid taxes, interest and penalties on a schedule of installment payments, when the taxpayer has proven to the Deputy Director of Finance that, due to certain hardship conditions, he is unable to pay the full amount of the tax due. Such authorization shall not be granted until proper returns are filed by the taxpayer for all amounts owed by him under this chapter.
(Ord. 0295-2000. Passed 12-18-00.)

161.11 INVESTIGATIVE POWERS OF THE DEPUTY DIRECTOR OF FINANCE.

(a) The Deputy Director of Finance, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal income tax returns of any employer or of any taxpayer or person subject to, or who the Deputy Director of Finance believes is subject to the provisions of this chapter, for the purposes of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer or supposed taxpayer is hereby directed and required to furnish, upon written request by the Deputy Director of Finance or his duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations as are hereby authorized.

(b) The Deputy Director of Finance is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income which was or would have been returned for taxation of any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and Federal income tax returns and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such income or information pertinent to such inquiry.
(Ord. 0295-2000. Passed 12-18-00.)

161.12 ASSESSMENT.

(a) If the Deputy Director of Finance finds that any taxpayer, or any employer subject to the provisions of Section 161.07 has failed to pay the full amount of the tax due or funds withheld, he shall issue a proposed assessment showing the amount of tax or funds due and unpaid together with any interest and penalty that may have accrued thereon.

(b) Such proposed assessment shall be served upon the taxpayer or employer, as the case may be, in person or by mailing to the last known address of such taxpayer or employer. Proof of mailing such proposed assessment shall be presumptive proof of receipt thereof by the addressee.

(c) A taxpayer or employer shall have twenty days after receipt of a proposed assessment within which to file a written protest with the Deputy Director of Finance. The Deputy Director of Finance then shall give the protestant an opportunity to be heard. After the hearing the Deputy Director of Finance shall issue a final assessment setting forth the total amount found due in the proposed assessment, and any adjustment he may have made as a result of the protest. Such final assessment shall be served in the same manner as a proposed assessment.

(d) In the event a protest is not filed in response to a proposed assessment, it shall become final the twenty-first day after receipt thereof by a taxpayer or employer, and notice thereof shall be served in the same manner as in the case of a proposed assessment.

(e) There is hereby established in and for the City, an Income Tax Board of Review, consisting of three individuals to be recommended by the Mayor and confirmed by Council. Terms on the Income Tax Board of Review shall be for three years. The Board shall adopt its own procedural rules and shall keep a record of its meetings. Any hearing by the Board may be conducted in a closed session upon the written request of the taxpayer with reference to the confidential character of information to be disclosed.

Any person dissatisfied with any ruling of the Deputy Director of Finance which is made under the authority conferred by this chapter may appeal therefrom to the Board, provided that the taxpayer filed the required tax returns and documents. Request for appeals must be filed with the Board within 30 days after the Deputy Director of Finance issues a protest decision. The request must be in writing and state the alleged errors in the decision. The Board must schedule a hearing within 45 days after receiving a request, unless the taxpayer waives the hearing. If the taxpayer does not waive the hearing, the taxpayer is entitled to appear before the Board and be represented by an attorney at law, certified public accountant, or other representative. The Board must issue a decision within 90 days after the final hearing, and send a notice of its decision to the taxpayer within 15 days after issuing the decision.
(Ord. 0039-2002. Passed 3-4-02.)

161.13 TAX INFORMATION CONFIDENTIAL.

Any information gained as the result of any returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential, except for official tax purposes or except in accordance with proper judicial order. Any person divulging such information in violation of this chapter shall be subject to a fine or penalty of not more than three hundred dollars (\$300.00) and imprisoned not more than three months, or both. Each disclosure shall constitute a separate offense.

In addition to the above penalty, any employee of the City who violates the provision of this section relative to disclosure of confidential information shall be immediately dismissed from the service of the City.
(Ord. 0295-2000. Passed 12-18-00.)

161.14 COLLECTION OF UNPAID TAXES.

All taxes imposed by this chapter shall be collectible, together with any interest and penalties thereon by suit, as other debts of like amount are recoverable.

The Deputy Director of Finance is authorized, in addition to his other duties, to institute civil lawsuits to collect delinquent taxes due and owing to the City by virtue of the provisions of this chapter. The Deputy Director of Finance is authorized to waive penalties and interest and compromise tax liability and has the right to accept waiver of State Statutes of Limitations. (Ord. 0295-2000. Passed 12-18-00.)

161.15 INTEREST AND PENALTIES.

(a) All taxes imposed and moneys withheld or required to be withheld by employers under the provisions of this chapter and remaining unpaid after they become due shall bear interest, in addition to the amount of the unpaid tax, at the rate of one and one quarter percent (1-1/4%) per month or fraction thereof.

(b) In addition to the interest provided in subsection (a) hereof, penalties on unpaid tax are imposed as follows:

- (1) In the case of a taxpayer's failure to file a return and/or pay tax within 105 days of the close of the taxpayer's tax year, or amend its tax return after a refund has been received for which credit has been taken against its Gahanna tax, a penalty of five percent (5%) per month or portion thereof of net tax liability after credits, the maximum penalty under this subsection shall be twenty-five percent (25%) of unpaid tax liability.
- (2) In the case of an employer who fails to withhold or fails to remit taxes withheld or taxes which should have been withheld from employees, a penalty of ten percent (10%) per month or portion thereof of the amount of tax due, the maximum penalty under this subsection shall be one hundred percent (100%) of the amount due.
- (3) In the case of a taxpayer who underestimates or underpays when filing a declaration required by Section 161.08 or in the case of a taxpayer who fails to file a declaration as required by Section 161.08 or who fails to make quarterly payments when due under Section 161.08 a penalty of ten percent (10%) of the unpaid or underpaid tax.
- (4) There is no maximum limit to the penalties imposed in this subsection in the case of a taxpayer who willfully neglects to pay any tax due or who intentionally disregards any provision of this chapter.

(c) All payments received shall be applied first to any interest and penalty owed, then to tax balances. (Ord. 0295-2000. Passed 12-18-00.)

CHAPTER 165
Hotel/Motel Tax

<p>165.01 Definitions.</p> <p>165.02 Imposition of tax.</p> <p>165.03 Transient guest to pay tax.</p> <p>165.04 Refund of illegal or erroneous payments.</p> <p>165.05 Required records; inspection and destruction.</p> <p>165.06 Returns required.</p> <p>165.07 Liability, assessment and petition for reassessment; penalties.</p>	<p>165.08 Four-year limitation for assessments; exceptions.</p> <p>165.09 Tax paid transient guest; false evidence of tax-exempt status.</p> <p>165.10 Vendor to collect tax; prohibition against rebates.</p> <p>165.11 Reports must be filed; fraudulent reports.</p> <p>165.12 Personal liability of corporate officers or employees.</p> <p>165.99 Penalty.</p>
---	---

CROSS REFERENCES

Power to levy - see Ohio R.C. 5739.02, 5739.024

165.01 DEFINITIONS.

(a) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. The term "hotel" shall include "motel".

(b) "Transient accommodations" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests in which four or less rooms are used for the accommodation of such guests, whether such rooms are in one or several structures.

(c) "Transient guests" means individual persons, occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(d) "Vendor" means the person who is the owner or operator of the hotel or transient accommodation and who furnishes the lodging.
(Ord. 183-95. Passed 12-5-95.)

165.02 IMPOSITION OF TAX.

(a) Effective July 1, 2002, for the purpose of providing revenue with which to meet the needs of the City for the use of the General Fund of the City, and for the purpose of providing revenue to enhance the City's appeal to visitors and tourists and for the purpose of providing revenue to promote the publicize the City, an excise tax of six percent (6%) is hereby levied on transactions by which lodging by a hotel or transient accommodation is or is to be furnished to transient guests, pursuant to Ohio R.C. 5739.02(C)(1) and 5739.02.4(B).

(b) The tax applies and is collectible at the time the lodging is furnished regardless of the time when the price is paid. The tax does not apply to lodging furnished to the State, or any of its political subdivisions, or any charitable organization for lodging of transient indigent individuals.

(c) For the purpose of the proper administration of this chapter, and to prevent the evasion of tax, it is presumed that all lodging furnished by hotels or transient accommodations in the City to transient guests is subject to tax until the contrary is established.

(d) The distribution of this tax shall be 3-1/2% to the General Fund, including cost of collection, and revenues shall be disbursed from the General Fund, as follows, at the discretion of the Gahanna City Council:

- (1) Special events.
- (2) Promotion of development.
- (3) Any other project or expenditure which would enhance the City's appeal to visitors and tourists.

And 2-1/2% to the General Fund for allocation to the Gahanna Convention and Visitors Bureau. (Ord. 0073-2002. Passed 5-6-02.)

165.03 TRANSIENT GUEST TO PAY TAX.

(a) The tax imposed by this chapter shall be paid by the transient guest to the vendor, and each vendor shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging.

(b) If the transaction is claimed to be exempt, the transient guest must furnish to the vendor, and the vendor must obtain from the transient guest, a statement specifying the reason that the sale is not legally subject to the tax. If no statement is obtained, it shall be presumed the tax applies.

(Ord. 183-95. Passed 12-5-95.)

165.04 REFUND OF ILLEGAL OR ERRONEOUS PAYMENTS.

The Deputy Director of Finance shall refund to vendors the amount of taxes paid illegally or erroneously or paid on any illegal or erroneous assessment where the vendor has not reimbursed himself from the transient guest. When such illegal or erroneous payment or assessment was not paid to a vendor but was paid by the transient guest directly to the City, the Deputy Director of Finance shall refund the appropriate amount to the transient guest. Applications shall be filed with the Deputy Director of Finance on the form prescribed by him, within ninety (90) days from the date it is ascertained that the assessment or payment was illegal or erroneous. However, in any event such application for refund must be filed with the Deputy Director of Finance within three (3) years from the date of the illegal or erroneous payment of the tax. On filing of such application, the Director of Finance shall determine the amount of refund due and draw a warrant for such amount to the person claiming such refund. The Deputy Director of Finance shall make such payments from a Tax Refund Account as established by this chapter and the same is hereby established. (Ord. 183-95. Passed 12-5-95.)

301.18 LANED STREET OR HIGHWAY.

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.
(ORC 4511.01(GG))

301.19 MOTORCYCLE.

"Motorcycle" means every motor vehicle, other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter" or "motorcycle" without regard to weight or brake horsepower.
(ORC 4511.01(C))

301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
(ORC 4511.01(B))

301.21 PARK OR PARKING.

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

301.22 PEDESTRIAN.

"Pedestrian" means any natural person afoot. (ORC 4511.01(X))

301.23 PERSON.

"Person" means every natural person, firm, copartnership, association or corporation.
(ORC 4511.01(W))

301.24 POLE TRAILER.

"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connection.
(ORC 4511.01(O))

301.25 POLICE OFFICER.

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.
(ORC 4511.01(Z))

301.26 PRIVATE ROAD OR DRIVEWAY.

"Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (ORC 4511.01(DD))

301.27 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

- (a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;
- (b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;
- (c) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);
- (d) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety. Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.
(ORC 4511.01(E))
- (e) Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.

301.28 RAILROAD.

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right of way. (ORC 4511.01(P))

301.29 RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
(ORC 4511.01(SS))

301.43 THROUGH STREET OR HIGHWAY.

"Through street or highway" means every street or highway as provided in Section 313.02.
(ORC 4511.01(HH))

301.44 THRUWAY.

"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.
(ORC 4511.01(AAA))

301.45 TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any street or highway for purposes of travel. (ORC 4511.01(TT))

301.46 TRAFFIC CONTROL DEVICES.

"Traffic control devices" means all flaggers, signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways.
(ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction.
(ORC 4511.01(RR))

301.48 TRAILER.

"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour.
(ORC 4511.01(M))

301.49 TRUCK.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

301.50 URBAN DISTRICT.

"Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(PP))

301.51 VEHICLE.

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs, electric personal assistive mobility devices and devices other than bicycles moved by human power. (ORC 4511.01(A))

301.52 WHEELCHAIR, MOTORIZED.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour. (ORC 4511.01(EEE))

331.21 RIGHT OF WAY OF PUBLIC SAFETY OR CORONER'S VEHICLE.

(a) Upon the approach of a public safety vehicle or coroner's vehicle, equipped with at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and the driver is giving an audible signal by siren, exhaust whistle or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive to a position parallel to and as close as possible to, the right edge or curb of the street clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street.

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with Ohio R.C. 4513.171. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal. (ORC 4511.45)

331.22 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: DUTY TO YIELD.

Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed. (ORC 4511.44)

331.23 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: STOPPING AT SIDEWALK.

Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. (ORC 4511.431)

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

(a) As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right of way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction. (ORC 4511.451)

331.25 DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. (ORC 4511.70(A),(B))

331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

No person shall drive upon, along or across a street or highway, or any part thereof, which has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway. (ORC 4511.71)

331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a fireman. (ORC 4511.72)

331.28 DRIVING OVER FIRE HOSE.

No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose, when such hose is laid down on any street or private driveway to be used at any fire or alarm of fire. (ORC 4511.73)

331.29 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone. (ORC 4511.60)

331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (ORC 4511.32)

or alcohol and drug content of the blood, if in the opinion of the physician, nurse, technician, or chemist the physical welfare of the person would be endangered by the withdrawing of blood.

Such bodily substance shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to Ohio R.C. 3701.143.

- (2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) hereof if there was at the time the bodily substance was withdrawn a concentration of less than ten-hundredths of one percent (0.10%) by weight of alcohol in the defendant's blood, less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of the defendant's breath or less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 milliliters of the defendant's urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) hereof.
- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney or agent, immediately upon the completion of the chemical test analysis. The person tested may have a physician, a registered nurse or a qualified technician or chemist of the person's own choosing administer a chemical test or tests in addition to any administered at the request of a police officer, and shall be so advised. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a police officer.
- (4) A. As used in subsections (f)(4)B. and C. of this section, "National Highway Traffic Safety Administration" means the National Highway Traffic Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

- B. In any criminal prosecution or juvenile court proceeding for a violation of this section, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:
1. The officer may testify concerning the results of the field sobriety test so administered.
 2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
 3. If testimony is presented or evidence is introduced under subsection (f)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.
- C. Subsection (f)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (f)(4)B. of this section.
- (5) Any physician, registered nurse or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from a person. (ORC 4511.19)

333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.

(a) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon. (ORC 4511.201)

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

(a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

(b) It is prima-facie lawful, in the absence of a lower limit declared pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means any school chartered under Ohio R.C. 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

- C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:
1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
 2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
 3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

TITLE NINE - Pedestrians, Bicycles and Motorcycles

Chap. 371. Pedestrians.

Chap. 373. Bicycles and Motorcycles.

Chap. 375. Snowmobiles, Off-Highway Motorcycles, and
All Purpose Vehicles.

Chap. 377. Motorized Bicycles.

**CHAPTER 371
Pedestrians**

- | | | | |
|---------------|---|---------------|--|
| 371.01 | Right of way in crosswalk. | 371.07 | Right of way on sidewalk. |
| 371.02 | Right of way of blind person. | 371.08 | Yielding to public safety vehicle. |
| 371.03 | Crossing roadway outside crosswalk; diagonal crossings at intersections. | 371.09 | Walking on highway while under the influence. |
| 371.04 | Moving upon right half of crosswalk. | 371.10 | On bridges or railroad crossings. |
| 371.05 | Walking along highways. | 371.11 | Persons operating motorized wheelchairs. |
| 371.06 | Use of highway for soliciting; riding on outside of vehicles. | 371.12 | Electric personal assistive mobility devices. |
| | | 371.99 | Penalty. |

CROSS REFERENCES

See sectional histories for similar State law

Pedestrian defined - see TRAF. 301.22

Pedestrian prohibited on freeways - see TRAF. 303.06

Obedience to traffic control devices - see TRAF.
313.01, 313.03

Pedestrian control signals - see TRAF. 313.05

371.01 RIGHT OF WAY IN CROSSWALK.

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right of way, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) hereof does not apply under the conditions stated in Section 371.03(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.
(ORC 4511.46)

371.02 RIGHT OF WAY OF BLIND PERSON.

(a) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominately white or metallic in color, with or without a red tip.

(b) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white metallic cane, with or without a red tip.
(ORC 4511.47)

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.
(ORC 4511.48)

371.04 MOVING UPON RIGHT HALF OF CROSSWALK.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
(ORC 4511.49)

371.11 PERSONS OPERATING MOTORIZED WHEELCHAIRS.

Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this Traffic Code, except those provisions which by their nature can have no application.
(ORC 4511.491)

371.12 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

- (a) (1) Electric personal assistive mobility devices may be operated on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.
- (2) Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (b) No operator of an electric personal assistive mobility device shall do any of the following:
- (1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;
- (2) Fail to give an audible signal before overtaking and passing a pedestrian;
- (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
- A. A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;
- B. A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour or more;
- (5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;
- (6) If under eighteen years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;
- (7) If under sixteen years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen years of age or older and is responsible for the immediate care of the person under sixteen years of age.
- (c) No person who is under fourteen years of age shall operate an electric personal assistive mobility device.
- (d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS". (ORC 4511.512)

(e) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour. (ORC 4501.01)

371.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty misdemeanor classifications and penalties.)

(a) Whoever violates subsection (b) or (c) of Section 371.12 is guilty of a minor misdemeanor and shall be punished as follows:

(1) The offender shall be fined ten dollars (\$10.00).

(2) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of Ohio R.C. 4511.512 or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under subsection (a)(1) hereof, shall do one of the following:

A. Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars (\$5.00) per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars (\$50.00).

B. If the court does not issue an impoundment order pursuant to subsection (a)(2)A. hereof, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than thirty days.

(b) Whoever violates Section 371.12(d) is guilty of a minor misdemeanor. (ORC 4511.99)

CODIFIED ORDINANCES OF GAHANNA
PART FIVE - GENERAL OFFENSES CODE

CHAPTER 501
General Provisions and Penalty

501.01 Definitions. 501.02 Classification of offenses. 501.03 Common law offenses abrogated. 501.04 Rules of construction. 501.05 Criminal law jurisdiction. 501.06 Limitation of criminal prosecution. 501.07 Requirements for criminal liability.	501.08 Culpable mental states. 501.09 Attempt. 501.10 Complicity. 501.11 Organizational criminal liability. 501.12 Personal accountability for organizational conduct. 501.99 Penalties for misdemeanors.
---	--

CROSS REFERENCES

See sectional histories for similar State law
 Limitation of prosecution for income tax violations - see
 Ohio R.C. 718.06
 Modification of sentence - see Ohio R.C. 2929.10(C), (D)
 Penalty considerations - see Ohio R.C. 2929.22
 Citation issuance for minor misdemeanors - see Ohio
 R.C. 2935.26 et seq.

501.01 DEFINITIONS.

As used in the Codified Ordinances:

- (a) "Force" means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing.
- (b) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.
- (c) "Physical harm to persons" means any injury, illness or other physiological impairment, regardless of its gravity or duration.
- (d) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.
- (e) "Serious physical harm to persons" means any of the following:
 - (1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
 - (2) Any physical harm that carries a substantial risk of death;
 - (3) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

- (4) Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement;
- (5) Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain.
- (f) "Serious physical harm to property" means any physical harm to property that does either of the following:
 - (1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort or money to repair or replace;
 - (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use and enjoyment for an extended period of time.
- (g) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.
- (h) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
- (i) "Offense of violence" means any of the following:
 - (1) A violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, 2923.161, 2911.12(A)(1) to (3) or 2919.22(B)(1) to (4), or felonious sexual penetration in violation of former Ohio R.C. 2907.12;
 - (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 (i)(1) hereof;
 - (3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed, purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;
 - (4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (i)(1), (2) or (3) hereof.
- (j) (1) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.
- (2) As used in this section, "trade secret" has the same meaning as in Ohio R.C. 1333.61, and "telecommunications service" and "information service" have the same meanings as in Ohio R.C. 2913.01.

- (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 township 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) 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 described in the following categories:
- (1) Property that in and of itself is unlawful for a person to acquire or possess;

- (2) Property that is not in and of itself unlawful for a person to acquire or possess, but that has been determined by a court of this State, in accordance with law, to be contraband because of its use in an unlawful activity or manner, of its nature, or of the circumstances of the person who acquires or possesses it including, but not limited to, goods and personal property described in Ohio R.C. 2913.34(D);
 - (3) Property that is specifically stated to be contraband by a section of the Ohio Revised Code or by an ordinance, regulation or resolution;
 - (4) Property that is forfeitable pursuant to a section of the Ohio Revised Code, or an ordinance, regulation or resolution, including, but not limited to, forfeitable firearms, dangerous ordnance, obscene materials, and goods and personal property described in Ohio R.C. 2913.34(D);
 - (5) Any controlled substance as defined in Section 513.01, or any device, paraphernalia, money as defined in Ohio R.C. 1301.01 or other means of exchange that has been, is being or is intended to be used in an attempt or conspiracy to violate, or in a violation of, Ohio R.C. Chapter 2925 or 3719, or Chapter 513 of the General Offenses Code;
 - (6) Any gambling device, paraphernalia, money as defined in Ohio R.C. 1301.01 or other means of exchange that has been, is being or is intended to be used in an attempt or conspiracy to violate, or in the violation of Ohio R.C. Chapter 2915 or Chapter 517 of the General Offenses Code;
 - (7) Any equipment, machine, device, apparatus, vehicle, vessel, container, liquid or substance that has been, is being or is intended to be used in an attempt or conspiracy to violate, or in the violation of, any law of this State relating to alcohol or tobacco;
 - (8) Any personal property that has been, is being or is intended to be used in an attempt or conspiracy to commit, or in the commission of, any offense or in the transportation of the fruits of any offense;
 - (9) Any property that is acquired through the sale or other transfer of contraband or through the proceeds of contraband, other than by a court or a law enforcement agency acting within the scope of its duties;
 - (10) Any computer, computer system, computer network, computer software, or other telecommunication device that is used in a conspiracy to commit, an attempt to commit or in the commission of any offense, if the owner of the computer, computer system, computer network, computer software, or other telecommunication device is convicted of or pleads guilty to the offense in which it is used.
 - (11) Any property that is material support or resources and that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, Ohio R.C. 2909.22, 2909.23, or 2909.24 or of Ohio R.C. 2921.32 when the offense or act committed by the person aided or to be aided as described in that section is an act of terrorism. As used in subsection (m)(11) hereof, "material support or resources" and "act of terrorism" have the same meaning as in Ohio R.C. 2909.21.
- (n) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.
 - (o) "School", "school building" and "school premises" have the same meaning as in Ohio R.C. 2925.01.
 - (p) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Ohio R.C. Chapter 3314; a governing body of an educational service center; or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07.

- (q) "School bus" has the same meaning as in Ohio R.C. 4511.01.
(ORC 2901.01)

501.02 CLASSIFICATION OF OFFENSES.

As used in the Codified Ordinances:

- (a) Offenses include misdemeanors of the first, second, third and fourth degree, minor misdemeanors and offenses not specifically classified.
- (b) Regardless of the penalty that may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.
- (c) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.
- (d) Any offense not specifically classified is a minor misdemeanor if the only penalty that may be imposed is a fine not exceeding one hundred dollars (\$100.00).
(ORC 2901.02)

501.03 COMMON LAW OFFENSES ABROGATED.

- (a) No conduct constitutes a criminal offense against the Municipality unless it is defined as an offense in the Codified Ordinances or any other Municipal ordinance.
- (b) An offense is defined when one or more sections of the Codified Ordinances state a positive prohibition or enjoin a specific duty, and provide a penalty for violation of such prohibition or failure to meet such duty.
- (c) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law to enforce an order, civil judgment or decree.
(ORC 2901.03)

501.04 RULES OF CONSTRUCTION.

- (a) Except as otherwise provided in subsection (c) hereof, sections of the Codified Ordinances defining offenses or penalties shall be strictly construed against the Municipality and liberally construed in favor of the accused.
- (b) Rules of criminal procedure and sections of the Ohio Revised Code providing for criminal procedure shall be construed so as to effect the fair, impartial, speedy and sure administration of justice.
- (c) Any provision of a section of the Codified Ordinances that refers to a previous conviction of or plea of guilty to a violation of a section of the Codified Ordinances or Ohio Revised Code or of a division of a section of the Codified Ordinances or Ohio Revised Code shall be construed to also refer to a previous conviction of or plea of guilty to a substantially equivalent offense under an existing or former law of this State, another state, or the United States or under an existing or former municipal ordinance. (ORC 2901.04)

501.05 CRIMINAL LAW JURISDICTION.

- (a) A person is subject to misdemeanor prosecution and punishment in this Municipality if any of the following occur:
- (1) The person commits an offense under the laws of this Municipality, any element of which takes place in this Municipality.
 - (2) While in this Municipality, the person conspires or attempts to commit, or is guilty of complicity in the commission of an offense in another jurisdiction, which offense is an offense under both the laws of this Municipality and the other jurisdiction.

- (3) While out of this Municipality, the person conspires or attempts to commit, or is guilty of complicity in the commission of, an offense in this Municipality.
- (4) While out of this Municipality, the person omits to perform a legal duty imposed by the laws of this Municipality, which omission affects a legitimate interest of the Municipality in protecting, governing or regulating any person, property, thing, transaction or activity in this Municipality.
- (5) While out of this Municipality, the person unlawfully takes or retains property and subsequently brings any of the unlawfully taken or retained property into this Municipality.
- (6) While out of this Municipality, the person unlawfully takes or entices another and subsequently brings the other person into this Municipality.
- (7) The person, by means of a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, causes or knowingly permits any writing, data, image, or other telecommunication to be disseminated or transmitted into this Municipality in violation of the law of this Municipality.

(b) In homicide, the element referred to in subsection (a)(1) hereof is either the act that causes death, or the physical contact that causes death, or the death itself. If any part of the body of a homicide victim is found in this Municipality, the death is presumed to have occurred within this Municipality.

(c) This Municipality includes the land and water within its boundaries and the air space above such land and water, and real property outside the corporate limits, with respect to which this Municipality has either exclusive or concurrent legislative jurisdiction. Where the boundary between this Municipality and another jurisdiction is disputed, the disputed territory is conclusively presumed to be within this Municipality for purposes of this section.

(d) When an offense is committed under the laws of this Municipality, and it appears beyond a reasonable doubt that the offense or any element of the offense took place either in this Municipality or in another jurisdiction or jurisdictions, but it cannot reasonably be determined in which it took place, the offense or element is conclusively presumed to have taken place in this Municipality for purposes of this section.

(e) As used in this section, "computer", "computer system", "computer network", "information service", "telecommunication", "telecommunications device", "telecommunications service", "data", and "writing" have the same meaning as in Ohio R.C. 2913.01.
(ORC 2901.11)

501.06 LIMITATION OF CRIMINAL PROSECUTION.

(a) Except as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

- (1) For misdemeanor other than a minor misdemeanor, two years;
- (2) For a minor misdemeanor, six months.

(b) If the period of limitation provided in subsection (a) hereof has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by his legal representative who is not himself a party to the offense.

(c) If the period of limitation provided in subsection (a) hereof has expired, prosecution shall be commenced for an offense involving misconduct in office by a public servant as defined in Section 525.01, at any time while the accused remains a public servant, or within two years thereafter.

(d) An offense is committed when every element of the offense occurs. In the case of an offense of which an element is a continuing course of conduct, the period of limitation does not begin to run until such course of conduct or the accused's accountability for it terminates, whichever occurs first.

(e) A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation or other process, unless reasonable diligence is exercised to execute the same.

(f) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.

(g) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused absented himself from this Municipality or concealed his identity or whereabouts is prima-facie evidence of his purpose to avoid prosecution.

(h) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this State, even though the indictment, information or process which commenced the prosecution is quashed or the proceedings thereon are set aside or reversed on appeal. (ORC 2901.13)

(i) This section shall not apply to prosecutions commenced within the period of limitations set forth in Ohio R.C. 718.12(B) for violations of the Municipal income tax ordinance.

501.07 REQUIREMENTS FOR CRIMINAL LIABILITY.

(a) Except as provided in subsection (b) hereof, a person is not guilty of an offense unless both of the following apply:

- (1) The person's liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty that the person is capable of performing;
- (2) The person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the section defining the offense.

(b) When the section defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in the section, then culpability is not required for a person to be guilty of the offense. When the section neither specifies culpability nor plainly indicates a purpose to impose strict liability, recklessness is sufficient culpability to commit the offense.

(c) Voluntary intoxication may not be taken into consideration in determining the existence of a mental state that is an element of a criminal offense. Voluntary intoxication does not relieve a person of a duty to act if failure to act constitutes a criminal offense. Evidence that a person was voluntarily intoxicated may be admissible to show whether or not the person was physically capable of performing the act with which the person is charged.

- (d) As used in this section:
- (1) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control of the thing possessed for a sufficient time to have ended possession.
 - (2) Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts.
 - (3) "Culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 501.08.
 - (4) "Intoxication" includes, but is not limited to, intoxication resulting from the ingestion of alcohol, a drug, or alcohol and a drug.
(ORC 2901.21)

501.08 CULPABLE MENTAL STATES.

(a) A person acts purposely when it is his specific intention to cause a certain result, or when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is his specific intention to engage in conduct of that nature.

(b) A person acts knowingly, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.

(c) A person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist.

(d) A person acts negligently when, because of a substantial lapse from due care, he fails to perceive or avoid a risk that his conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a substantial lapse from due care, he fails to perceive or avoid a risk that such circumstances may exist.

(e) When the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge or purpose is also sufficient culpability for such element. When recklessness suffices to establish an element of an offense, then knowledge or purpose is also sufficient culpability for such element. When knowledge suffices to establish an element of an offense, then purpose is also sufficient culpability for such element.
(ORC 2901.22)

501.09 ATTEMPT.

(a) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct that, if successful, would constitute or result in the offense.

(b) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.

(c) No person who is convicted of committing a specific offense or of complicity in the commission of an offense, shall be convicted of an attempt to commit the same offense in violation of this section.

(d) It is an affirmative defense to a charge under this section that the actor abandoned the actor's effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.

(e) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense is an offense of the same degree as the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. An attempt to commit any other misdemeanor is a misdemeanor of the next lesser degree than the misdemeanor attempted. In the case of an attempt to commit an offense other than a violation of Ohio R.C. Chapter 3734 that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony under the Ohio Revised Code, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. An attempt to commit a minor misdemeanor is not an offense under this section.

(f) As used in this section, "drug abuse offense" has the same meaning as in Ohio R.C. 2925.01. (ORC 2923.02)

501.10 COMPLICITY.

(a) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:

- (1) Solicit or procure another to commit the offense;
- (2) Aid or abet another in committing the offense;
- (3) Cause an innocent or irresponsible person to commit the offense.

(b) It is no defense to a charge under this section that no person with whom the accused was in complicity has been convicted as a principal offender.

(c) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of Section 501.09.

(d) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, an attempt to commit an offense or an offense, the court when it charges the jury, shall state substantially the following:

"The testimony of an accomplice does not become inadmissible because of his complicity, moral turpitude or self-interest, but the admitted or claimed complicity of a witness may affect his credibility and make his testimony subject to grave suspicion, and require that it be weighed with great caution.

"It is for you, as jurors, in the light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth."

(e) It is an affirmative defense to a charge under this section that, prior to the commission of or attempt to commit the offense, the actor terminated his complicity, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(f) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense. (ORC 2923.03)

501.11 ORGANIZATIONAL CRIMINAL LIABILITY.

(a) An organization may be convicted of an offense under any of the following circumstances:

- (1) The offense is a minor misdemeanor committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.
- (2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.
- (3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.
- (4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of directors, trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of his office or employment.

(b) When strict liability is imposed for the commission of an offense, a purpose to impose organizational liability shall be presumed, unless the contrary plainly appears.

(c) In a prosecution of an organization for an offense other than one for which strict liability is imposed, it is a defense that the high managerial officer, agent or employee having supervisory responsibility over the subject matter of the offense exercised due diligence to prevent its commission. This defense is not available if it plainly appears inconsistent with the purpose of the section defining the offense.

(d) As used in this section, "organization" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program. (ORC 2901.23)

501.12 PERSONAL ACCOUNTABILITY FOR ORGANIZATIONAL CONDUCT.

(a) An officer, agent or employee of an organization as defined in Section 501.11 may be prosecuted for an offense committed by such organization, if he acts with the kind of culpability required for the commission of the offense, and any of the following apply:

- (1) In the name of the organization or in its behalf, he engages in conduct constituting the offense, or causes another to engage in such conduct, or tolerates such conduct when it is of a type for which he has direct responsibility;

- (2) He has primary responsibility to discharge a duty imposed on the organization by law, and such duty is not discharged.

(b) When a person is convicted of an offense by reason of this section, he is subject to the same penalty as if he had acted in his own behalf. (ORC 2901.24)

501.99 PENALTIES FOR MISDEMEANORS.

- (a) (1) Except as provided in Ohio R.C. 2929.23, whoever is convicted of or pleads guilty to a misdemeanor other than a minor misdemeanor as classified in the Codified Ordinances shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Whoever is convicted of or pleads guilty to committing, attempting to commit, or complicity in committing a violation of Section 541.02 or 541.03(a)(2) when the means used are fire or explosion, shall be required to reimburse agencies for their investigation or prosecution costs in accordance with Ohio R.C. 2929.28.

(2) Classification of Misdemeanor	Maximum Term of Imprisonment	Maximum Fine
First degree	6 months	\$1000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	100.00

- (3) The court may require a person who is convicted of or pleads guilty to a misdemeanor to make restitution for all or part of the property damage that is caused by his offense and for all or part of the value of the property that is the subject of any theft offense as defined in Ohio R.C. 2913.01(K) that the person committed. If the court determines that the victim of the offense was sixty-five years of age or older or permanently or totally disabled at the time of the commission of the offense, the court regardless of whether the offender knew the age of the victim, shall consider this fact in favor of imposing restitution, but this fact shall not control the decision of the court.

- (4) A. If a person is sentenced to a term of imprisonment pursuant to this section and the term of imprisonment is to be served in a county jail in a county that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the person may be considered by the county sheriff of that county for participation in the county jail industry program. The court shall retain jurisdiction to modify its specification made pursuant to this paragraph during the person's term of imprisonment upon a reassessment of the person's qualifications for participation in the program.

- B. If a person is sentenced to a term of imprisonment pursuant to this section that is to be served in a local detention facility, as defined in Ohio R.C. 2929.35, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.36 a reimbursement sanction, and, if the local detention facility is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:

1. The court shall specify both of the following as part of the sentence:
 - a. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
 - b. If the person does not dispute the bill described in subsection (a)(4)B.1.a. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.
 2. The sentence automatically includes any certificate of judgment issued as described in subsection (a)(4)B.1.b. of this section.
- (5) If an offender is being sentenced for a sexually oriented offense that is a misdemeanor committed on or after January 1, 1997, and if the judge imposing sentence for the sexually oriented offense determines pursuant to Ohio R.C. 2950.09(B) that the offender is a sexual predator, the judge shall include in the offender's sentence a statement that the offender has been adjudicated as being a sexual predator, shall comply with the requirements of Ohio R.C. 2950.03, and shall require the offender to submit to a DNA specimen collection procedure pursuant to Ohio R.C. 2901.07.
- (6) Before imposing sentence on an offender who is being sentenced for a sexually oriented offense that is a misdemeanor committed on or after January 1, 1997, the judge shall conduct a hearing in accordance with Ohio R.C. 2950.09(B) to determine whether the offender is a sexual predator. Before imposing sentence on an offender who is being sentenced for a sexually oriented offense, the court also shall comply with Ohio R.C. 2950.09(E).
- (7) If an offender is being sentenced for a sexually oriented offense that is a misdemeanor committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duty to register pursuant to Ohio R.C. 2950.04, the offender's duty to provide notice of a change in residence address and register the new residence address pursuant to Ohio R.C. 2950.05, the offender's duty to periodically verify the offender's current residence address pursuant to Ohio R.C. 2950.06, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration and, if required under Ohio R.C. 2950.03(A)(2), shall perform the duties specified in that section.
(ORC 2929.21)

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

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

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

CHAPTER 505
Animals and Fowl

- | | |
|--|---|
| <p>505.01 Animals and fowl running at large.</p> <p>505.02 Impounding and disposition.</p> <p>505.03 Registration of dogs; tags to be worn.</p> <p>505.04 Rabies immunization.</p> <p>505.05 Abandoning animals.</p> <p>505.06 Killing, injuring or poisoning animals.</p> <p>505.07 Cruelty to animals generally.</p> <p>505.071 Cruelty to companion animals.</p> <p>505.08 Housing of animals.</p> <p>505.09 Animal nuisance conditions prohibited.</p> | <p>505.10 Animal bites; quarantine and report.</p> <p>505.11 Hunting and trapping.</p> <p>505.12 Breaking open pound.</p> <p>505.13 Report of escape of exotic or dangerous animal.</p> <p>505.14 Dangerous and vicious animals.</p> <p>505.15 Keeping and maintaining of wild animals.</p> <p>505.99 Penalty.</p> |
|--|---|

CROSS REFERENCES

See sectional histories for similar State law
 Owner or keeper liable for damages - see Ohio R.C. 951.10
 Dog registration - see Ohio R.C. 955.01
 Discharging firearms prohibited - see GEN. OFF. 549.08
 Housing of animals - see P. & Z. 1139.02

505.01 ANIMALS AND FOWL RUNNING AT LARGE.

(a) No person shall own, have under his care or be in control of any domestic animal, including cattle, horses, swine, sheep, goats, dogs, cats or poultry, which is at large in the City. If a domestic animal, as defined herein, is at large in the City, then the person who is the owner or who normally has care or control of the animal shall be deemed to have violated this section.

(b) No person who is the owner or keeper of any domestic animal shall permit that animal to be out of control at any time or place, even running in its own yard.

(c) A reasonable effort to confine the animal or fowl to the premises of the owner or harbinger may be considered in mitigation but not as an excuse for the offense.

(d) Whoever violates this section is guilty of a minor misdemeanor for the first offense. All subsequent offenses shall be a misdemeanor of the second degree.
 (Ord. 0105-2002. Passed 6-17-02.)

505.02 IMPOUNDING AND DISPOSITION.

Animals and fowl found at large in the City may be taken up by any police officer or Animal Control Officer and placed in the City pound. If the animal wears a registration tag, the Officer shall notify the registered owner to appear at the Police Department and receive a citation for violation of Section 505.01. The owner may then remove the animal from the pound on payment to the City of a pound fee of thirty dollars (\$30.00) for impounding and ten dollars (\$10.00) for each day or fraction thereof that the animal is in the pound. If the animal is not claimed within 12 hours, it shall be turned over to the County Humane Society for disposition. All animals which are not licensed, or whose owners cannot be readily ascertained, may be turned over at once to the County Humane Society to be disposed of as provided in its regulations. When an owner acknowledges ownership of an unlicensed animal, whether turned over to the County Humane Society or not, he shall receive a citation as provided above and shall answer before the Mayor's Court. If he claims the animal, he shall pay the lawful license fee, if any, the City pound charges provided above, and any fees or charges which may be lawfully imposed by the County Humane Society.

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

505.03 REGISTRATION OF DOGS; TAGS TO BE WORN.

(a) No person shall be the owner, keeper of, harbinger or person in charge of any dog over three months of age after January 20 of any year, or brought from outside the State at any time during the year without first registering such dog as required by Ohio R.C. Chapter 955.

(b) Failure to display the tag issued in connection with the registration required by Ohio R.C. Chapter 955 on a dog's collar, harness, leash or similar device shall be prima-facie evidence of lack of registration and shall subject any dog not wearing such tag to impoundment under Section 505.02.

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

505.04 RABIES IMMUNIZATION.

(a) No person shall own, keep, harbor or have charge of any dog or cat over three months of age unless such animal has been immunized against rabies by a method listed in U.S. Department of Health, Education and Welfare Center for Disease Control Animal Rabies Vaccine Compendium or any other method approved by the Health Commissioner. Failure to have such animal immunized for rabies shall subject such animal to impoundment and failure to display a current rabies immunization tag on a dog's or cat's collar, harness, leash or similar device shall be prima-facie evidence of lack of rabies immunization. Failure of the owner or one having charge of a dog or a cat to provide, when requested, evidence of rabies immunization shall be a violation of this section.

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

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.
- (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) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;
 - (2) 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) Subsections (b) and (c) 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)
- (e) (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) 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.
- (4) 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 harbinger'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 harbinger and not under the reasonable control of its owner, keeper, harbinger 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 *Loxodons*).
- (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.)

(c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.

(d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof.

- (e) (1) Whoever violates this section is guilty of disorderly conduct.
(2) Except as otherwise provided in this subsection (e)(3), disorderly conduct is a minor misdemeanor.
(3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
- A. The offender persists in disorderly conduct after reasonable warning or request to desist.
 - B. The offense is committed in the vicinity of a school or in a school safety zone.
 - C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot or emergency of any kind.
 - D. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.

(f) As used in this section:

- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
- (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
- (4) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01. (ORC 2917.11)

509.04 DISTURBING A LAWFUL MEETING.

(a) No person, with purpose to prevent or disrupt a lawful meeting, procession or gathering, shall do either of the following:

- (1) Do any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;
- (2) Make any utterance, gesture or display which outrages the sensibilities of the group.

(b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree. (ORC 2917.12)

509.05 MISCONDUCT AT AN EMERGENCY.

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

- (1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

- (2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;
- (3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this subsection, misconduct at an emergency is a minor misdemeanor. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
- (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.

509.06 INDUCING PANIC.

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

- (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;
- (2) Threatening to commit any offense of violence;
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Division (a) hereof does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of five hundred dollars (\$500.00) or more, if the public place involved in a violation of this section is a school, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section:

- (1) "Economic harm" means any of the following:
 - A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:
 1. All wages, salaries, or other compensation lost as a result of the criminal conduct;

2. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
 3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
 4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- B. All costs incurred by the Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.07, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.
- (2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.
- (3) "Weapon of mass destruction" means any of the following:
- A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
 - B. Any weapon involving a disease organism or biological agent;
 - C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
 - D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:
 1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
 2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.
- (4) "Biological agent" has the same meaning as in Ohio R.C. 2917.33.
- (5) "Emergency medical services personnel" has the same meaning as in Ohio R.C. 2133.21. (ORC 2917.31)

509.07 MAKING FALSE ALARMS.

- (a) No person shall do any of the following:
- (1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;
 - (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

- (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of five hundred dollars (\$500.00) or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section, "economic harm" and "weapon of mass destruction" have the same meanings as in Section 509.06. (ORC 2917.32)

509.08 IMPROPER USE OF 9-1-1 TELEPHONE SYSTEM.

(a) No person shall knowingly use the telephone number of the 9-1-1 system if he knows that no emergency exists or for nonemergency telephone calls.

(b) As used in this section, "emergency" means any situation that requires an immediate response by police or fire personnel to preserve life or property.

(c) Whoever violates this section is guilty of improper use of 9-1-1 telephone system, a misdemeanor of the first degree. (Ord. 196-94. Passed 11-15-94.)

509.99 PENALTY.

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

- (x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any of the following:
- (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;
 - B. Any aerosol propellant;
 - C. Any fluorocarbon refrigerant;
 - D. Any anesthetic gas.
 - (2) Gamma Butyrolactone;
 - (3) 1,4 Butanediol.
- (y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:
 - (1) "The National Formulary";
 - (2) "The United States Pharmacopeia", prepared by authority of the United States Pharmacopeial Convention, Inc.;
 - (3) Other standard references that are approved by the State Board of Pharmacy.
- (cc) "Juvenile" means a person under eighteen years of age.
- (dd) "School" means any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (ee) "School premises" means either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

- (2) Any other parcel of real property that is owned or leased by a board of education of a school, any community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (gg) "Counterfeit controlled substance" means:
- (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (hh) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.
- (ii) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (jj) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
- (kk) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.
(ORC 2925.01)

513.02 GIFT OF MARIHUANA.

- (a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.

CHAPTER 517
Gambling

- | | |
|--|---|
| <p>517.01 Definitions.</p> <p>517.02 Gambling.</p> <p>517.03 Operating a gambling house.</p> <p>517.04 Public gaming.</p> <p>517.05 Cheating.</p> <p>517.06 Methods of conducting a bingo game; prohibitions.</p> <p>517.07 Instant bingo conduct.</p> <p>517.08 Raffles.</p> <p>517.09 Charitable instant bingo organizations.</p> | <p>517.10 Location of instant bingo.</p> <p>517.11 Bingo or game of chance records.</p> <p>517.12 Bingo operator prohibitions.</p> <p>517.13 Bingo exceptions.</p> <p>517.14 Instant bingo conduct by a veteran's or fraternal organization.</p> <p>517.99 Penalty.</p> |
|--|---|

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, lottery, numbers game, pool, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo.
- (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 2915.05 or 2915.07 to 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 any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization 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), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer fire fighter's 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 scheme of chance or game of chance as provided in Section 517.02(c). A charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization or a fraternal organization does not have to 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 scheme of chance or game of chance as provided in Section 517.02(d).
- (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) "Educational organization" means any organization within this State that is not organized for profit, the exclusive purpose of which is to educate and develop the capabilities of individuals through instruction, and that operates or contributes to the support of a school, academy, college or university.

- (k) "Veteran's organization" means any individual post of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post or auxiliary unit has been incorporated as a nonprofit corporation for at least two years and 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. As used in this section, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.
- (l) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.
- (m) "Fraternal organization" means any society, order 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 and that has been in continuous existence in this State for a period of five years.
- (n) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization as defined in Ohio R.C. 4765.01.
- (o) "Service organization" means any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment.
- (p) "Nonprofit medical organization" means any organization, that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research or therapeutic services for the public.
- (q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.
- (r) "Charitable bingo game" means any bingo game described in subsection (s)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.

- (s) "Bingo" means either of the following:
- (1) A game with all of the following characteristics:
 - A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.
 - B. The participants cover the space on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.
 - C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.
 - D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in subsection (s)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by a participant.
 - (2) Instant bingo, punch boards and raffles.
- (t) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.
- (u) "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.
- (v) "Participant" means any person who plays bingo.
- (w) "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 (s)(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 (w)(1) of this section.

- (x) "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.
- (y) "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.
- (z) "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 (l) of this section.

- (aa) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.
- (bb) "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.
- (cc) "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.
- (dd) "Amateur 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 training for amateur athletic competition that is sanctioned by a national governing body as defined in the "Amateur Sports Act of 1978", 90 Stat. 3045, 36 U.S.C.A. 373.
- (ee) "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.
- (ff) "Instant bingo" means a form of bingo that uses folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners. "Instant bingo" includes seal cards. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

- (gg) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.
- (hh) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle.
- (ii) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.
- (jj) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.
- (kk) "Net profit" means gross profit minus expenses.
- (ll) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:
- (1) The purchase or lease of bingo supplies;
 - (2) The annual license fee required under Ohio R.C. 2915.08;
 - (3) Bank fees and service charges for a bingo session or game account described in Ohio R.C. 2915.10;
 - (4) Audits and accounting services;
 - (5) Safes;
 - (6) Cash registers;
 - (7) Hiring security personnel;
 - (8) Advertising bingo;
 - (9) Renting premises in which to conduct bingo;
 - (10) Tables and chairs;
 - (11) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under division (B)(1) of Ohio R.C. 2915.08.
- (mm) "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.
- (nn) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (oo) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (pp) "Distributor" means any person who purchases or obtains bingo supplies and who sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this State.

- (qq) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.
- (rr) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (s)(1) of this section plus the annual net profit derived from the conduct of bingo described in subsection (s)(2) of this section.
- (ss) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:
- (1) It is activated upon the insertion of United States currency.
 - (2) It performs no gaming functions.
 - (3) It does not contain a video display monitor or generate noise.
 - (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
 - (5) It does not simulate or display rolling or spinning reels.
 - (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
 - (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
 - (8) It is not part of an electronic network and is not interactive.
- (tt) (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
- A. It provides a means for a participant to input numbers and letters announced by a bingo caller.
 - B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
 - C. It identifies a winning bingo pattern.
- (2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (uu) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.
- (vv) "Slot machine" means either of the following:
- (1) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain, the outcome of which is determined largely or wholly by chance;
 - (2) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct or dispense bingo or a scheme or game of chance.
- (ww) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.

- (xx) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization or a fraternal organization in regards to bingo conducted or assisted by a veteran's organization or a fraternal organization pursuant to Ohio R.C. 2915.13. (ORC 2915.01)

517.02 GAMBLING.

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

- (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
- (2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;
- (3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;
- (4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;
- (5) With purpose to violate subsection (a)(1), (2), (3), or (4) of this section, acquire, possess, control, or operate any gambling device.

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

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

- (d) This section does not apply to any of the following:

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

- C. The games of chance are conducted at festivals of the charitable organization that are conducted either for a period of four consecutive days or less and not more than twice a year or for a period of five consecutive days not more than once a year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.
- A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof if the veteran's or fraternal organization has already leased the premises four times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under Section 517.06(b)(1) when it leases premises from another charitable organization to conduct bingo games.
- D. All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
- E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.13.
- No person shall receive any commission, wage, salary, reward, tip, donations, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.
- (2) Any tag fishing tournament operated under a permit issued under Ohio R.C. 1533.92, as "tag fishing tournament" is defined in Ohio R.C. 1531.01.
- (3) Bingo conducted by a charitable organization that holds a license issued under Ohio R.C. 2915.08.

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

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

517.03 OPERATING A GAMBLING HOUSE.

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

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

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

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

517.04 PUBLIC GAMING.

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

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

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

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

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

517.05 CHEATING.

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

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

(b) Whoever violates this section is guilty of cheating. Except as otherwise provided in this subsection cheating is a misdemeanor of the first degree. If the potential gain from the cheating is five hundred dollars (\$500.00) or more, or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in Ohio R.C. 2913.01, cheating is a felony and shall be prosecuted under appropriate State law. (ORC 2915.05)

517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

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

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

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

- (1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars (\$600.00) per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars (\$450.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars (\$450.00) per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service or equipment. A charitable organization shall not lease or sublease premises that it owns or leases to more than one other charitable organization per calendar week for the purpose of conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than one charitable organization per calendar week for conducting bingo sessions on the premises. In no case shall more than two bingo sessions be conducted on any premises in any calendar week.

- (2) Display its license conspicuously at the premises where the bingo session is conducted;
- (3) Conduct the bingo session in accordance with the definition of bingo set forth in Section 517.01(s)(1).

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

- (1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (2) Pay consulting fees to any person for any services performed in relation to the bingo session;
- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;
- (4) Except as otherwise provided in subsection (c)(4) of this section, conduct more than two bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than two bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions.
- (5) Pay out more than three thousand five hundred dollars (\$3,500) in prizes during any bingo session that is conducted by the charitable organization;
- (6) Conduct a bingo session at any time during the ten-hour period between midnight and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to Ohio R.C. 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney General for an amended license, pursuant to division (F) of Ohio R.C. 2915.08. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license.

- (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;
- (8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;
- (9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service or equipment;
- (10) Purchase or lease bingo supplies from any person except a distributor issued a license under Ohio R.C. 2915.081;
- (11) A. Use or permit the use of electronic bingo aids except under the following circumstances:
 - 1. For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.
 - 2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.
 - 3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.
 - 4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.
 - 5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.
 - 6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.
- B. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.
- (12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in Section 517.01(s)(1).

(d) Except as otherwise provided in this subsection, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo. This subsection does not prohibit an employee of a fraternal organization or veteran's organization from selling instant bingo tickets or cards to the organization's members, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(e) Notwithstanding subsection (b)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(f) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (2), (b)(1), (2), or (3), (c)(1) to (11) or (d) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of subsection (a)(1) or (2), (b)(1), (2) or (3), (c)(1) to (11), or (d) of this section, a violation of subsection (a)(1) or (2), (b)(1), (2) or (3) or (c)(1) to (11) or (d) of this section is a misdemeanor of the first degree. Whoever violates subsection (c)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c)(12) of this section, a violation of subsection (c)(12) is a felony and shall be prosecuted under appropriate State law.
(ORC 2915.09)

517.07 INSTANT BINGO CONDUCT.

- (a) No charitable organization that conducts instant bingo shall do any of the following:
- (1) Fail to comply with the requirements of divisions (A)(1), (2), and (3) of Ohio R.C. 2915.09;
 - (2) Conduct instant bingo unless either of the following apply:
 - A. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in Section 517.01, is in good standing in the State pursuant to Ohio R.C. 2915.08, and is in compliance with Ohio R.C. Chapter 1716;
 - B. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, and conducts instant bingo under Section 517.14.

- (3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to Ohio R.C. 2915.08;
- (4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;
- (5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under Ohio R.C. 2915.081;
- (6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer;
- (7) Sell an instant bingo ticket or card to a person under eighteen years of age;
- (8) Fail to keep unsold instant bingo tickets or cards for less than three years;
- (9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (10) Pay fees to any person for any services performed in relation to an instant bingo game;
- (11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;
- (12) Allow instant bingo tickets or cards to be sold to bingo game operators who are performing work or labor at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold on behalf of the organization as described in division (B) of Ohio R.C. 4301.03;
- (13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;
- (14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under Ohio R.C. 2915.081 as reflected on an invoice issued by the distributor that contains all of the information required by Section 517.11(e);
- (15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;
- (16) Purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards;
- (17) Possess bingo supplies that were not obtained in accordance with Ohio R.C. 2915.01 to 2915.13.

(b) A charitable organization may conduct instant bingo other than at a bingo session at not more than five separate locations. A charitable organization that is exempt from federal taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization or a fraternal organization is not limited in the number of separate locations the charitable organization may conduct instant bingo other than at a bingo session.

(c) Whoever violates subsection (a) of this section or a rule adopted under Ohio R.C. 2915.091(C) is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (a) of this section or of such a rule, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law. (ORC 2915.091)

517.08 RAFFLES.

(a) A charitable organization may conduct a raffle to raise money for the charitable organization and does not need a license to conduct bingo in order to conduct a raffle drawing.

- (b) (1) No charitable organization shall conduct a raffle unless the organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3) of the Internal Revenue Code.
- (2) No charitable organization shall conduct more than thirty-six raffles during a calendar year.
- (3) No person shall be compensated directly or indirectly for assisting in the conduct or operation of a raffle.

(c) No raffle drawing shall be conducted on premises other than premises that a charitable organization uses for its charitable programs.

(d) No person shall fail to use, or give, donate, or otherwise transfer, the net profit from a raffle for a charitable purpose described in Section 517.01(z).

(e) Whoever violates subsections (b), (c), or (d) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsections (b), (c), or (d) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law. (ORC 2915.092)

517.09 CHARITABLE INSTANT BINGO ORGANIZATIONS.

(a) As used in this section, "retail income from all commercial activity" includes the sale of instant bingo tickets.

(b) A charitable instant bingo organization may conduct instant bingo other than at a bingo session at not more than five separate locations.

(c) If a charitable instant bingo organization conducts instant bingo other than at a bingo session, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.

(d) No charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(e) The owner or lessor of a location that enters into a contract pursuant to subsection (c) of this section shall pay up front for the cost of the deal of instant bingo tickets and the gross profits that would be earned by the owner or lessor if all of the instant bingo tickets are sold. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets up to the amount that it paid to the charitable instant bingo organization. If the owner or lessor of the location earns any more money than the owner or lessor paid out in prizes or paid up front, the owner or lessor of the location shall pay that money to the charitable instant bingo organization.

(f) A charitable instant bingo organization shall provide the Attorney General with all of the following information:

- (1) That the charitable instant bingo organization has terminated a contract entered into pursuant to subsection (c) of this section with an owner or lessor of a location;
- (2) That the charitable instant bingo organization has entered into a written contract pursuant to subsection (c) of this section with a new owner or lessor of a location;
- (3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of Ohio R.C. Chapter 2915.
(ORC 2915.093)

517.10 LOCATION OF INSTANT BINGO.

(a) No owner or lessor of a location shall assist a charitable instant bingo organization in the conduct of instant bingo other than at a bingo session at that location unless the owner or lessor has entered into a written contract, as described in Section 517.09(c), with the charitable instant bingo organization to assist in the conduct of instant bingo other than at a bingo session.

(b) The location of the lessor or owner shall be designated as a location where the charitable instant bingo organization conducts instant bingo other than at a bingo session.

(c) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate any provision of Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of Ohio R.C. Chapter 2915.

(d) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate the terms of the contract.

- (e) (1) Whoever violates subsection (c) or (d) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c) or (d) of this section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.
- (2) If an owner or lessor of a location knowingly, intentionally, or recklessly violates subsection (c) or (d) of this section, any license that the owner or lessor holds for the retail sale of any goods on the owner's or lessor's premises that is issued by the State or a political subdivision is subject to suspension, revocation, or payment of a monetary penalty at the request of the Attorney General. (ORC 2915.094)

517.11 BINGO OR GAME OF CHANCE RECORDS.

(a) No charitable organization that conducts bingo or a game of chance pursuant to Section 517.02(d), shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

- (1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each raffle, each punch board game, and each game of chance;
- (2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;
- (3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars (\$600.00) or more in value;
- (4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in Section 517.01(z), Section 517.02(d), or Ohio R.C. 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;
- (5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;
- (6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" Section 517.01(x);
- (7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(b) A charitable organization shall keep the records that it is required to maintain pursuant to subsection (a) of this section at its principal place of business in this State or at its headquarters in this State and shall notify the Attorney General of the location at which those records are kept.

(c) The gross profit from each bingo session or game described in Section 517.01(s)(1) or (2) shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks drawn on the bingo session or game account.

(d) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(e) The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(f) A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
- (2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;
- (3) A description that clearly identifies the bingo supplies;
- (4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(g) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
- (2) A description that clearly identifies the bingo supplies, including serial numbers;
- (3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(h) The Attorney General, or any law enforcement agency, may do all of the following:

- (1) Investigate any charitable organization or any officer, agent, trustee, member, or employee of the organization;
- (2) Examine the accounts and records of the organization;

- (3) Conduct inspections, audits, and observations of bingo or games of chance;
- (4) Conduct inspections of the premises where bingo or games of chance are conducted;
- (5) Take any other necessary and reasonable action to determine if a violation of any provision of this chapter has occurred and to determine whether Section 517.12 has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member, or employee of the organization has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this subsection.

(i) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance or premises where bingo or a game of chance is conducted, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to subsection (h) of this section.

(j) Whoever violates subsection (a) or (i) of this section is guilty of a misdemeanor of the first degree. (ORC 2915.10)

517.12 BINGO OPERATOR PROHIBITIONS.

(a) No person shall be a bingo game operator unless he is eighteen years of age or older.

(b) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.

(d) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.11)

517.13 BINGO EXCEPTIONS.

(a) Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either subsection (a) hereof:

- (1) A. The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

- B. All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars (\$100.00).
 - C. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
 - D. The bingo game is not conducted either during or within ten hours of any of the following:
 - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
 - 2. A scheme or game of chance or bingo described in Section 517.01(s)(2).
 - E. The number of players participating in the bingo game does not exceed fifty.
- (2)
- A. The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents (25¢) to purchase a bingo card or sheet, objects to cover the spaces or other devices used in playing bingo.
 - B. The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces or other devices used in playing bingo does not exceed one hundred dollars (\$100.00).
 - C. All of the money paid for bingo cards or sheets, objects to cover spaces or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.
 - D. The total value of all prizes awarded during the game does not exceed one hundred dollars (\$100.00).
 - E. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
 - F. The bingo game is not conducted during or within ten hours of either of the following:
 - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
 - 2. A scheme of chance or game of chance or bingo described in Section 517.01(s)(2).
 - G. All of the participants reside at the premises where the bingo game is conducted.
 - H. The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(b) The Attorney General, or any local law enforcement agency, may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with subsection (a) hereof. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action. (ORC 2915.12)

517.14 INSTANT BINGO CONDUCT BY A VETERAN'S OR FRATERNAL ORGANIZATION.

(a) A veteran's organization or a fraternal organization authorized to conduct a bingo session pursuant to Ohio R.C. 2915.01 to 2915.12 may conduct instant bingo other than at a bingo session if all of the following apply:

- (1) The veteran's organization or fraternal organization limits the sale of instant bingo to ten consecutive hours per day for up to six days per week.
- (2) The veteran's organization or fraternal organization limits the sale of instant bingo to its own premises and to its own members and invited guests.
- (3) The veteran's organization or fraternal organization is raising money for a charitable organization and executes a written contract with the charitable organization as required in subsection (b) of this section.

(b) If a veteran's organization or fraternal organization authorized to conduct instant bingo pursuant to subsection (a) of this section is raising money for another charitable organization, the veteran's organization or fraternal organization shall execute a written contract with a charitable organization in order to conduct instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's or fraternal organization will be distributing to the charitable organization.

- (c) (1) If a veteran's organization or fraternal organization authorized to conduct instant bingo pursuant to subsection (a) of this section has been issued a liquor permit under Ohio R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization or fraternal organization violates a provision of Ohio R.C. 2915.01 to 2915.13.
- (2) No veteran's organization or fraternal organization that enters into a written contract pursuant to subsection (b) of this section shall violate any provision of Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of Ohio R.C. Chapter 2915.

(d) A veteran's organization or fraternal organization shall give all required proceeds earned from the conduct of instant bingo to the charitable organization with which the veteran's organization or fraternal organization has entered into a written contract.

(e) Whoever violates this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.
(ORC 2915.13)

517.99 PENALTY.

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

(e) It is an affirmative defense to a charge under subsection (b) hereof that the impersonation of the peace officer was for a lawful purpose.

(f) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (c) or (d) hereof is guilty of a misdemeanor of the first degree. If the purpose of a violation of subsection (d) hereof is to commit or facilitate the commission of a felony, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 2921.51)

525.04 COMPOUNDING A CRIME.

(a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(b) It is an affirmative defense to a charge under this section when both of the following apply:

- (1) The pending prosecution involved is for violation of Sections 545.05, 545.07, 545.09 or 545.10(b)(2), or Ohio R.C. 2913.02, 2913.11, 2913.21(B)(2) or 2913.47, of which the actor under this section was the victim.
- (2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him as restitution for the loss caused him by the offense.

(c) When a prosecuting witness abandons or agrees to abandon a prosecution under subsection (b) hereof, the abandonment or agreement in no way binds the State or Municipality to abandoning the prosecution.

(d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (ORC 2921.21)

525.05 FAILURE TO REPORT A CRIME, INJURY OR KNOWLEDGE OF DEATH.

(a) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(b) Except for conditions that are within the scope of subsection (e) of this section, no physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the physician, limited practitioner, nurse, or person, or any serious physical harm to persons that the physician, limited practitioner, nurse, or person knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.

(d) No person shall fail to provide upon request of the person to whom a report required by subsection (c) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

- (e) (1) As used in this subsection, "burn injury" means any of the following:
- A. Second or third degree burns;
 - B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;
 - C. Any burn injury or wound that may result in death;
 - D. Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by Ohio R.C. 3743.01.
- (2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (4) No person who is required to report any burn injury under subsection (e)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to Ohio R.C. 3737.22(A)(15).
- (5) Anyone participating in the making of reports under subsection (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (e) of this section.
- (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 organization certified pursuant to Ohio R.C. 3793.06.
- (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) of this section is a misdemeanor of the fourth degree. Violation of subsection (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 whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.

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

525.09 RESISTING ARREST.

- (a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another.
- (b) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.
- (c) Whoever violates this section is guilty of resisting arrest. A violation of subsection (a) hereof is a misdemeanor of the second degree. A violation of subsection (b) hereof is a misdemeanor of the first degree. (ORC 2921.33)

525.10 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.

- (a) No public official shall knowingly do any of the following:
 - (1) During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission or board of which he was a member at the time of authorization unless the contract was let by competitive bidding, to the lowest and best bidder;
 - (2) Have an interest in the profits or benefits of a public contract entered into by or for the use of the Municipality or governmental agency or instrumentality with which he is connected;
 - (3) Have an interest in the profits or benefits of a public contract which is not let by competitive bidding when required by law, and which involves more than one hundred fifty dollars (\$150.00).
- (b) In the absence of bribery or a purpose to defraud, a public servant, member of his family or any of his associates shall not be considered as having an interest in a public contract when all of the following apply:
 - (1) The interest of such person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization which is the contractor on the public contract involved, or which is the issuer of the security in which public funds are invested;
 - (2) The shares owned or controlled by such person do not exceed five percent (5%) of the outstanding shares of the corporation, and the amount due such person as creditor does not exceed five percent (5%) of the total indebtedness of the corporation or other organization;

- (3) Such person, prior to the time the public contract is entered into, files with the Municipality or governmental agency or instrumentality involved, an affidavit giving his exact status in connection with the corporation or other organization.

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

- (1) The subject of the public contract is necessary supplies or services for the Municipality or governmental agency or instrumentality involved;
- (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the Municipality or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public servant's becoming associated with the Municipality or governmental agency or instrumentality involved;
- (3) The treatment accorded the Municipality or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
- (4) The entire transaction is conducted at arm's length, with full knowledge by the Municipality or governmental agency or instrumentality involved, of the interest of the public servant, and the public servant takes no part in the deliberations or decisions of the Municipality or governmental agency or instrumentality with respect to the public contract.

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

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

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

(g) As used in this section:

- (1) "Public contract" means any of the following:
 - A. The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the State, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the State, any of its political subdivisions, or any agency or instrumentality of either.
 - B. A contract for the design, construction, alteration, repair or maintenance of any public property.
- (2) "Chief legal officer" has the same meaning as in Ohio R.C. 733.621. (ORC 2921.42)

CHAPTER 529
Liquor Control

<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>
---	---

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 wine as defined in Ohio R.C. 4301.01 even if it contains less than four percent (4%) of alcohol by volume, mixed beverages as defined in Ohio R.C. 4301.01 even if they contain less than four percent (4%) of alcohol by volume, cider, alcohol and all solids and confections which contain any alcohol.
- (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 accompanied by a parent, spouse who is not an underage person or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, or the 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 who is not himself 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.

- (d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not accompanied by a parent, spouse who is not an underage person or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.
- (2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin or campground by presenting identification that falsely indicates that he is twenty-one years of age or older for the purpose of violating this section.

(e) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor, in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in this subsection (e) hereof against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(f) No parent, spouse who is not an underage person or legal guardian of a minor shall knowingly permit the minor to violate this section or Section 529.021(a) to (c).

(g) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.

(h) As used in this section:

- (1) "Drug of abuse" has the same meaning as in Ohio R.C. 3719.011.
- (2) "Hotel" has the same meaning as in Ohio R.C. 3731.01.
- (3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
- (4) "Minor" means a person under the age of eighteen years.
- (5) "Underage person" means a person under the age of twenty-one years.
(ORC 4301.69)

(i) Whoever violates this section is guilty of a misdemeanor of the first degree. In addition, whoever violates subsection (a) hereof shall be fined not less than five hundred dollars (\$500.00). (ORC 4301.99)

529.021 PURCHASE BY MINOR; MISREPRESENTATION.

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall purchase beer or intoxicating liquor. (ORC 4301.63)

(b) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift. (ORC 4301.633)

(c) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall knowingly show or give false information concerning the person's name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place where beer or intoxicating liquor is sold under a permit issued by the Division of Liquor Control or sold by the Division of Liquor Control. (ORC 4301.634)

- (d)
- (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the first degree.
 - (2) Whoever violates subsection (a) 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 (a) 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.
 - (3)
 - A. Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. If, in committing a first violation of that subsection, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000) and may be sentenced to a term of imprisonment of not more than six months.
 - B. On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period not exceeding sixty days.

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) 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) 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) A person may have in the person's possession an opened container of any of the following:
- (1) 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, 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-7, D8, E, F, or F-2 permit;
 - (2) 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 permit;
 - (3) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
 - (4) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
- 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.
- (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.
(ORC 4301.62)

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

529.08 HOURS OF SALE OR CONSUMPTION.

(a) No beer or other malt beverages shall be sold by, delivered by, or be permitted to be consumed on weekdays, upon the premises of a C-1, C-2X, D-1, or D-2X permit holder between the hours of one a.m. and five thirty a.m. The above restrictions on hours of operation shall also apply to retail sales by an A-1 permit holder.

No wine, prepared highballs, cocktails, cordials or other mixed beverages, as defined in the Liquor Control Act, shall be sold, delivered or be permitted to be consumed on weekdays, upon the premises of an A-2, C-2, D-2 or D-3X permit holder between the hours of one a.m. and five thirty a.m.

No spiritous liquor shall be sold, delivered, or be permitted to be consumed on weekdays on the premises of a D-3 permit holder between the hours of one a.m. and five thirty a.m.

No beer or intoxicating liquor shall be sold, delivered, or be permitted to be consumed on weekdays on the premises of a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5I, D-5J, D-7 or A-1-A permit holder between the hours of two thirty a.m. and five thirty a.m.

No beer or intoxicating liquor shall be sold, delivered, or be permitted to be consumed on weekdays on the premises of a D-4, D-5G, or D-5H permit holder between the hours of one a.m. and five thirty a.m.

No intoxicating liquor may be sold by, delivered, or be permitted to be consumed on the premises of any permit holder during the hours between one a.m. on Sunday and Sunday midnight, except on the premises of a D-3A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5I, D-5J, D7, or an A-1-A permit. As to the holders of these excepted classes, no intoxicating liquor shall be sold, delivered, or be permitted to be consumed after two thirty a.m. on Sunday.

No beer, whether by the package or by the glass, shall be sold, delivered, or be permitted to be consumed on the premises of a permit holder on Sunday between the hours of one a.m. and five thirty a.m. except on the premises of a holder of a D-3A permit who is also the holder of a D-1 permit, or the holder of a D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5I, D-5J, D-7 or A-1-A permit. As to these excepted classes, neither shall sell, deliver, or permit to be consumed on the premises, beer between the hours of two thirty a.m. and five thirty a.m.

The holder of a D-6 permit may sell, deliver, or allow the consumption of intoxicating liquors between the hours of one p.m. Sunday and Sunday midnight for on or off premises consumption as authorized by its other permits.
(OAC 4301:1-1-49)

- (b) 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 533
Obscenity and Sex Offenses

- | | |
|---|---|
| <p>533.01 Definitions.</p> <p>533.02 Presumption of knowledge; actual notice and defense.</p> <p>533.03 Unlawful sexual conduct with a minor.</p> <p>533.04 Sexual imposition.</p> <p>533.05 Importuning.</p> <p>533.06 Voyeurism.</p> <p>533.07 Public indecency.</p> <p>533.08 Procuring.</p> <p>533.09 Soliciting.</p> <p>533.091 Loitering to engage in solicitation.</p> | <p>533.10 Prostitution.</p> <p>533.11 Disseminating matter harmful to juveniles.</p> <p>533.12 Deception to obtain matter harmful to juveniles.</p> <p>533.13 Displaying matter harmful to juveniles.</p> <p>533.99 Penalty.</p> |
|---|---|

CROSS REFERENCES

See sectional histories for similar State law
 Complicity - see GEN. OFF. 501.10
 Offensive conduct - see GEN. OFF. 509.03
 Telephone harassment - see GEN. OFF. 537.10
 Criminal trespass - see GEN. OFF. 541.05

533.01 DEFINITIONS.

As used in this chapter:

- (a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- (b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- (c) "Sexual activity" means sexual conduct or sexual contact, or both.
- (d) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.
- (e) Any material or performance is "harmful to juveniles," if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:
 - (1) It tends to appeal to the prurient interest of juveniles;
 - (2) It contains a display, description or representation of sexual activity, masturbation, sexual excitement or nudity;

- (3) It contains a display, description or representation of bestiality or extreme or bizarre violence, cruelty or brutality;
 - (4) It contains a display, description or representation of human bodily functions of elimination;
 - (5) It makes repeated use of foul language;
 - (6) It contains a display, description or representation in lurid detail of the violent physical torture, dismemberment, destruction or death of a human being;
 - (7) It contains a display, description or representation of criminal activity which tends to glorify or glamorize such activity, and which with respect to juveniles has a dominant tendency to corrupt.
- (f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
- (1) Its dominant appeal is to prurient interest;
 - (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
 - (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
 - (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
 - (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.
- (g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (i) "Juvenile" means an unmarried person under the age of eighteen.

- (j) "Material" means one of the following:
- (1) A. As used in Sections 533.11 and 533.13, "material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, tape, or other tangible thing capable of arousing interest through sight, sound, or touch and, except as provided in subsection (j)(1)B. of this section, includes an image or text appearing on a computer monitor or on a television screen, liquid crystal display, or similar display device used as a computer monitor or an image or text recorded on a computer hard disk, computer floppy disk, magnetic tape, or similar storage device.
 - B. As used in Sections 533.11 and 533.13, both of the following apply:
 1. Except as otherwise provided in subsection (j)(1)B.2. of this section, "material" does not include an image or text that appears on a computer monitor or on a television screen, liquid crystal display, or similar display device used as a computer monitor while the monitor, screen, display, or device is actively connected to a web site on the internet.
 2. "Material" includes an image or text that appears on a computer monitor or on a television screen, liquid crystal display, or similar display device used as a computer monitor while the monitor, screen, display, or device is actively connected to a web site on the internet if the image or text is contained in an e-mail message or if the image or text is so appearing on the monitor, screen, display or device during a direct presentation to a specific, known juvenile or group of known juveniles. The image or text is "material" under this subsection only regarding the application of Sections 533.11 and 533.13 to the person who sends the e-mail message or who directly presents the image or text to the specific, known juvenile or group of known juveniles.
 - (2) As used in all provisions of this chapter that are not identified in subsection (j)(1) of this section, "material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.
- (k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
- (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

- (m) "Minor" means a person under the age of eighteen years.
- (n) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (o) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115. (ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

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

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

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

- (d)
 - (1) Sections 533.11, 533.12(a) and 533.13 do not apply to a person solely because the person provided access or connection to or from a computer facility, system, or network not under that person's control, including having provided transmission, downloading, intermediate storage, access software, or other related capabilities that are incidental to providing access or connection to or from a computer facility, system, or network, and that do not include the creation of the content of the material that is the subject of the access or connection.
 - (2) Subsection (d)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of Section 533.11, 533.12 or 533.13, or who knowingly advertises the availability of material of that nature.
 - (3) Subsection (d)(1) of this section does not apply to a person who provides access or connection to a computer facility, system, or network that is engaged in the violation of Section 533.11, 533.12 or 533.13 and that contains content that person has selected and placed in or on the facility, system, or network or content over which that person exercises editorial control.

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

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

(f) It is an affirmative defense to a charge under Section 533.11 or 533.13 as the section applies to an image transmitted through the internet that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology.
(ORC 2907.35)

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

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

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:

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

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

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. (ORC 2907.06)

533.05 IMPORTUNING.

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

533.06 VOYEURISM.

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

(b) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity.

(c) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity if the other person is a minor.

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

- (e)
- (1) Whoever violates this section is guilty of voyeurism.
 - (2) A violation of subsection (a) hereof is a misdemeanor of the third degree.
 - (3) A violation of subsection (b) hereof is a misdemeanor of the second degree.
 - (4) A violation of subsection (c) or (d) hereof is a misdemeanor of the first degree. (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which his or her conduct is likely to be viewed by and affront others, not members of his or her household:

- (1) Expose his or her private parts, or engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) Whoever violates this section is guilty of public indecency. Except as otherwise provided in this subsection (b), public indecency is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 2907.09 or substantially similar municipal ordinance, public indecency is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 2907.09 or substantially similar municipal ordinance, public indecency is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 2907.09 or substantially similar municipal ordinance, public indecency is a misdemeanor of the first degree. (ORC 2907.09)

533.08 PROCURING.

(a) No person, knowingly and for gain, shall do either of the following:

- (1) Entice or solicit another to patronize a prostitute or brothel;
- (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

(c) Whoever violates this section is guilty of procuring, a misdemeanor of the first degree. (ORC 2907.23)

533.09 SOLICITING.

(a) No person shall solicit another to engage with such other person in sexual activity for hire.

(b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree. (ORC 2907.24)

533.091 LOITERING TO ENGAGE IN SOLICITATION.

(a) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:

- (1) Beckon to, stop or attempt to stop another;
- (2) Engage or attempt to engage another in conversation;
- (3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;
- (4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;
- (5) Interfere with the free passage of another.

(b) As used in this section:

- (1) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (2) "Public place" means any of the following:
 - A. A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot, or transportation facility;
 - B. A doorway or entrance way to a building that fronts on a place described in subsection (b)(2)A. hereof;
 - C. A place not described in subsection (b)(2)A. or B. hereof that is open to the public.

(c) Whoever violates subsection (a) hereof is guilty of loitering to engage in solicitation, a misdemeanor of the third degree. (ORC 2907.241)

533.10 PROSTITUTION.

(a) No person shall engage in sexual activity for hire.

(b) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree. (ORC 2907.25)

533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.

(a) No person, with knowledge of its character or content, shall recklessly do any of the following:

- (1) Sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile any material or performance that is obscene or harmful to juveniles;
- (2) Offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile any material or performance that is obscene or harmful to juveniles;
- (3) Allow any juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

- (1) The defendant is the parent, guardian or spouse of the juvenile involved.
- (2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.
- (3) The juvenile exhibited to the defendant or the defendant's agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

- (c) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.
- (2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.

(d) Whoever violates this section is guilty of disseminating matter harmful to juveniles, a misdemeanor of the first degree. If the material or performance involved is obscene, disseminating material harmful to juveniles is a felony and shall be prosecuted under appropriate State law. (ORC 2907.31)

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

(a) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles shall do either of the following:

- (1) Falsely represent that he is the parent, guardian or spouse of such juvenile;
- (2) Furnish such juvenile with any identification or document purporting to show that such juvenile is eighteen years of age or over or married.

(b) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:

- (1) Falsely represent that he is eighteen years of age or over or married;
- (2) Exhibit any identification or document purporting to show that he is eighteen years of age or over or married.

(c) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates subsection (b) hereof shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Ohio R.C. Chapter 2151. (ORC 2907.33)

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

(a) No person who has custody, control or supervision of a commercial establishment, with knowledge of the character or content of the material involved, shall display at the establishment any material that is harmful to juveniles and that is open to view by juveniles as part of the invited general public.

(b) It is not a violation of subsection (a) hereof if the material in question is displayed by placing it behind "blinder racks" or similar devices that cover at least the lower two-thirds of the material, if the material in question is wrapped or placed behind the counter, or if the material in question otherwise is covered or located so that the portion that is harmful to juveniles is not open to the view of juveniles.

(c) Whoever violates this section is guilty of displaying matter harmful to juveniles, a misdemeanor of the first degree. Each day during which the offender is in violation of this section constitutes a separate offense.
(ORC 2907.311)

533.99 PENALTY.

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

537.14 DOMESTIC VIOLENCE.

- (a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.
- (b) No person shall recklessly cause serious physical harm to a family or household member.
- (c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.
- (d) As used in this section:
- (1) "Family or household member" means any of the following:
- A. Any of the following who is residing or has resided with the offender:
1. A spouse, a person living as a spouse or a former spouse of the offender;
 2. A parent or a child of the offender, or another person related by consanguinity or affinity to the offender;
 3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.
- B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.
- (2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.
- (e) Whoever violates this section is guilty of domestic violence. Except as otherwise provided in this subsection, a violation of subsection (c) of this section is a misdemeanor of the fourth degree and a violation of subsection (a) or (b) of this section is a misdemeanor of the first degree. If the offender previously has pleaded guilty to or been convicted of domestic violence, of a violation of a municipal ordinance that is substantially similar to domestic violence, of a violation of Ohio R.C. 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, 2903.211, 2903.22, 2911.211 or 2919.22 involving a person who was a family or household member at the time of the violation, or of a violation of a municipal ordinance, a law of the United States or of any other state, or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to one of those sections involving a person who was a family or household member at the time of the violation, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate State law and a violation of subsection (c) hereof is a misdemeanor of the third degree. (ORC 2919.25)
- (f) Notwithstanding any provision of law to the contrary, no court or unit of local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.
- (g) The same relief available under the Ohio Revised Code for filing a complaint for violation of Ohio R.C. 2919.25 shall be available for filing a complaint for violation of this section.

537.15 TEMPORARY PROTECTION ORDER.

- (a) No person shall recklessly violate the terms of any of the following:
- (1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31;
 - (2) A protection order issued pursuant to Ohio R.C. 2903.213 or 2903.214;
 - (3) A protection order issued by a court of another state.
- (b) Whoever violates this section is guilty of violating a protection order.
- (1) If the offense involves a violation of subsection (a)(1) or (3) of this section, one of the following applies:
 - A. Except as otherwise provided in subsection (b)(1)B. of this section, violating a protection order is a misdemeanor of the first degree.
 - B. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 2903.211 or 2911.211 that involved the same person who is the subject of the protection order or consent agreement or previously has been convicted of or pleaded guilty to one or more violations of Ohio R.C. 2919.27, violating a protection order is a felony and shall be prosecuted under appropriate State law.
 - (2) If the offense involves a violation of subsection (a)(2) of this section, one of the following applies:
 - A. Except as otherwise provided in subsection (b)(2)B. of this section, violating a protection order is a misdemeanor of the first degree.
 - B. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 2919.27 or of former Ohio R.C. 2919.27 involving a protection order issued pursuant to Ohio R.C. 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 two or more violations of Ohio R.C. 2903.214 as it existed prior to July 1, 1996, violating a protection order is a felony and shall be prosecuted under appropriate State law.
- (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 OR OTHER TOBACCO PRODUCTS.

(a) As used in this section:

- (1) "Child" has the same meaning as in Ohio R.C. 2151.011.
- (2) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.
- (3) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, or papers used to roll cigarettes.
- (4) "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.
- (5) "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.
- (6) "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, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco 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, or papers used to roll cigarettes to any child;
- (2) Give away, sell or distribute cigarettes, other tobacco 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, 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, or papers used to roll cigarettes for that child.

(c) No person shall sell or offer to sell cigarettes or other tobacco 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 and other tobacco 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, 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, 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) or (2) or (c) of this section is guilty of illegal distribution of cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(1) or (2) or (c) of this section, illegal distribution of cigarettes or other tobacco 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 or other tobacco products, 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 or other tobacco products is a misdemeanor of the third degree.

(g) Any cigarettes, other tobacco 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. 2933.42 and 2933.43. (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, as defined in Ohio R.C. 4501.01, 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) 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.

(c) 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 Ohio R.C. 2905.05, 2907.02, 2907.03 or 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.
(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, to register a new residence address, and to periodically verify a residence address 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.)

CHAPTER 541
Property Offenses

<p>541.01 Determining property value in arson.</p> <p>541.02 Arson.</p> <p>541.03 Criminal damaging or endangering.</p> <p>541.04 Criminal mischief.</p> <p>541.05 Criminal trespass.</p>	<p>541.051 Aggravated trespass.</p> <p>541.06 Destruction of shrubs, trees or crops.</p> <p>541.07 Desecration.</p> <p>541.08 Ethnic intimidation.</p> <p>541.09 Vehicular vandalism.</p> <p>541.99 Penalty.</p>
--	--

CROSS REFERENCES

See sectional histories for similar State law
 Parents' liability for destructive acts of their children - see Ohio R.C. 3109.09
 Physical harm to property defined - see GEN. OFF. 501.01(d), (f)
 Reimbursement for investigation or prosecution costs - see GEN. OFF. 501.99(a)
 Damage to sidewalks - see GEN. OFF. 521.04
 Vehicle trespass - see GEN. OFF. 545.06

541.01 DETERMINING PROPERTY VALUE IN ARSON.

(a) The following criteria shall be used in determining the value of property or amount of physical harm involved in a violation of Section 541.02.

- (1) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, the value of the property or the amount of physical harm involved is the amount that would compensate the owner for its loss.
- (2) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring the property.

- (3) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.

(b) As used in this section, "fair market value" has the same meaning as in Section 545.02(c)(3).

(c) Prima-facie evidence of the value of property, as provided in Section 545.02(d) may be used to establish the value of property pursuant to this section. (ORC 2909.11)

541.02 ARSON.

(a) No person, by means of fire or explosion, shall knowingly cause or create a substantial risk of physical harm to any property of another without the other person's consent.

(b) This section does not apply if the violation is done with purpose to defraud or the property involved is a statehouse or a courthouse, school building or other building or structure that is owned or controlled by the State, any political subdivision, or any department, agency or instrumentality of the State or a political subdivision, and that is used for public purposes.

(c) Whoever violates this section is guilty of arson, a misdemeanor of the first degree. If the value of the property or the amount of physical harm involved is five hundred dollars (\$500.00) or more, arson is a felony and shall be prosecuted under appropriate State law. (ORC 2909.03)

541.03 CRIMINAL DAMAGING OR ENDANGERING.

(a) No person shall cause, or create a substantial risk of physical harm to any property of another without his consent:

- (1) Knowingly, by any means;
- (2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(b) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor if the property involved is not an aircraft, an aircraft engine, propeller, appliance, spare part or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation does not create a risk of physical harm to any person, and if the property involved is not an occupied aircraft. A violation of this section is a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. (ORC 2909.06)

541.04 CRIMINAL MISCHIEF.

(a) No person shall:

- (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with the property of another;

541.07 DESECRATION.

(a) No person, without privilege to do so, shall purposely deface, damage, pollute or otherwise physically mistreat any of the following:

- (1) The flag of the United States or of this State;
- (2) Any public monument;
- (3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing or site of great historical or archeological interest;
- (4) A work of art or museum piece;
- (5) Any other object of reverence or sacred devotion.

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

(c) As used in this section, "cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains. (ORC 2927.11)

541.08 ETHNIC INTIMIDATION.

(a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06, 2909.07 or 2917.21(A)(3) to (5) or Sections 537.05, 537.06, 537.10(a)(3) to (5), 541.03 or 541.04 of the General Offenses Code by reason of the race, color, religion or national origin of another person or group of persons.

(b) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.
(ORC 2927.12)

541.09 VEHICULAR VANDALISM.

(a) As used in this section:

- (1) "Highway" means any highway as defined in Section 301.42 of the Traffic Code or any lane, road, street, alley, bridge, or overpass.
- (2) "Alley", "street", and "vehicle" have the same meanings as in Chapter 301 of the Traffic Code.
- (3) "Vessel" and "waters in this State" have the same meanings as in Ohio R.C. 1547.01.

(b) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

- (1) Any vehicle on a highway;
- (2) Any boat or vessel on any of the waters in this State that are located in the Municipality.

(c) Whoever violates this section is guilty of vehicular vandalism. Except as otherwise provided in this subsection, vehicular vandalism is a misdemeanor of the first degree. If the violation of this section creates a substantial risk of physical harm to any person, serious physical harm to property, physical harm to any person or serious physical harm to any person, vehicular vandalism is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.09)

541.99 PENALTY.

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

CHAPTER 545
Theft and Fraud

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

CROSS REFERENCES

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

545.01 DEFINITIONS.

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

- (a) "Deception" means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act or omission that creates, confirms or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

- (b) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.
- (c) "Deprive" means to do any of the following:
 - (1) Withhold property of another permanently, or for such period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;
 - (2) Dispose of property so as to make it unlikely that the owner will recover it;
 - (3) Accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.
- (d) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license or interest is unlawful.
- (e) "Services" include labor, personal services, professional services, public utility services, common carrier services, and food, drink, transportation, entertainment and cable television services.
- (f) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.
- (g) "Forge" means to fabricate or create, in whole or in part and by any means any spurious writing, or to make, execute, alter, complete, reproduce or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.
- (h) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver or display.
- (i) "Coin machine" means any mechanical or electronic device designed to do both of the following:
 - (1) Receive a coin, bill, or token made for that purpose;
 - (2) In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.
- (j) "Slug" means an object that, by virtue of its size, shape, composition or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token made for that purpose.
- (k) "Theft offense" means any of the following:
 - (1) A violation of Ohio R.C. 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42 to 2913.45, 2913.47, 2913.48, 2913.51, 2915.05, 2915.06 or 2921.41.

- (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.

(a) As used in this section, "personal identifying information" includes, but is not limited to, the following: the name, address, telephone number, driver's license, driver's license number, commercial driver's license, commercial driver's license number, state identification card, state identification card number, social security card, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, money market account number, mutual fund account number, other financial account number, personal identification number, password or credit card number of an individual.

(b) No person, without the express or implied consent of the other person, shall use, obtain, or possess any personal identifying information of another person with intent to do either of the following:

- (1) Hold the person out to be the other person;
- (2) Represent the other person's personal identifying information as the person's own personal identifying information.

(c) No person shall create, obtain, possess, or use the personal identifying information of any person with the intent to aid or abet another person in violating division (b) of this section.

(d) No person, with intent to defraud, shall permit another person to use the person's own personal identifying information.

(e) No person who is permitted to use another person's personal identifying information as described in division (d) of this section shall use, obtain, or possess the other person's personal identifying information with intent to defraud any person by doing any act identified in division (b)(1) or (2) of this section.

(f) (1) It is an affirmative defense to a charge under division (b) of this section that the person using the personal identifying information is acting in accordance with a legally recognized guardianship or conservatorship or as a trustee or fiduciary.

(2) It is an affirmative defense to a charge under division (b), (d), or (e) of this section that either of the following applies:

A. The person or entity using the personal identifying information as a law enforcement agency, authorized fraud personnel, or a representative of or attorney for a law enforcement agency or authorized fraud personnel and is using the personal identifying information in a bona fide investigation, an information security evaluation, a pretext calling evaluation, or a similar matter.

B. The personal identifying information was obtained, possessed, or used for a lawful purpose.

(g) It is not a defense to a charge under this section that the person whose personal identifying information was obtained, possessed, or used was deceased at the time of the offense.

(h) (1) If the violation of division (b), (d) or (e) of this section occurs as part of a course of conduct involving other violations of division (b), (d) or (e) of this section or violations of, attempts to violate, conspiracies to violate, or complicity in violations of division (c) of this section or Ohio R.C. 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 or substantially equivalent municipal ordinance, the court in determining the degree of the offense pursuant to division (i) of this section, may aggregate all credit, property, or services obtained or sought to be obtained by the offender and all debts or other legal obligations avoided or sought to be avoided by the offender in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim.

(2) If the violation of division (c) of this section occurs as part of a course of conduct involving other violations of division (c) of this section or violations of, attempts to violate, conspiracies to violate, or complicity in violations of division (b), (d) or (e) of this section or Ohio R.C. 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43 or 2921.13 or substantially equivalent municipal ordinance, the court, in determining the degree of the offense pursuant to division (i) of this section, may aggregate all credit, property, or services obtained or sought to be obtained by the person aided or abetted and all debts or other legal obligations avoided or sought to be avoided by the person aided or abetted in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim.

(i) Whoever violates this section is guilty of identity fraud. Except as otherwise provided in this division, identity fraud is a misdemeanor of the first degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is five hundred dollars (\$500.00) or more, identity fraud is a felony and shall be prosecuted under appropriate State law.
(ORC 2913.49)

545.99 PENALTY.

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

CHAPTER 553
Railroads

- | | |
|---|--|
| <p>553.01 Obstructing streets by railroad companies.</p> <p>553.011 Obstructing streets by abandoning the locomotive.</p> <p>553.02 Climbing upon railroad cars.</p> | <p>553.03 Duties of locomotive engineer.</p> <p>553.04 Railroad vandalism.</p> <p>553.05 Grade crossing device vandalism.</p> <p>553.99 Penalty.</p> |
|---|--|

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 do the following:

- (1) 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;
- (2) When approaching a grade crossing, fail to sound the locomotive whistle at frequent intervals, beginning not less than 1,320 feet from such crossing and continuing until the locomotive has passed the crossing.

(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)

553.04 RAILROAD VANDALISM.

(a) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.

(b) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(c) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.

(d) No person, without privilege to do so, shall knowingly enter or remain on the land or premises of a railroad company.

(e) Whoever violates subsection (a) of this section is guilty of railroad vandalism. Whoever violates subsection (b) of this section is guilty of criminal trespass on a locomotive, engine, railroad car or other railroad vehicle. Whoever violates subsection (c) of this section is guilty of interference with the operation of a train.

Except as otherwise provided in this subsection, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. If the violation of subsection (a), (b) or (c) of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or serious physical harm to any person, the violation is a felony and shall be prosecuted under appropriate State law.

(f) Whoever violates subsection (d) of this section is guilty of criminal trespass on the land or premises of a railroad company, a misdemeanor of the fourth degree.
(ORC 2909.10)

553.05 GRADE CROSSING DEVICE VANDALISM.

(a) No person shall knowingly deface, damage, obstruct, remove or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(b) Whoever violates this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this subsection, railroad grade crossing device vandalism is a misdemeanor of the first degree. If the violation of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, railroad grade crossing device vandalism is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.101)

553.99 PENALTY.

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

- (b) The age of the applicants in the case of individuals, and the age of the manager and officers in the case of a club, society or corporation.
- (c) The applicant or manager meets all of the qualifications set forth in Section 713.04.
- (d) Whether the applicant has ever been engaged in operating a billiard room, and when, where and how long in each place within the past five years.
- (e) The name of the owner of the premises in which the billiard room is located and the complete address of such owner. The application shall be signed by the applicant or applicants, or, in the case of a club, society or corporation, the application shall be signed by the manager or any of its officers.
- (f) Every person who applies for a license as set forth in this chapter and every person employed by a licensee shall provide the Chief of Police with two passport size photographs of himself/herself and shall be fingerprinted by the Gahanna Police Department.
(Ord. 124-92. Passed 6-2-92.)

713.06 FALSE APPLICATION STATEMENTS.

The making of any false statement in the application required in this chapter shall be sufficient ground for the revocation of any license authorized in this chapter and shall further subject the person or persons making such false statements to the penalties set forth herein. Any applicant for any license pursuant to Chapter 713 shall provide any and all personal data as required by Chapter 713 to the Chief of Police upon his request, or provide such signed releases as required by the Chief of Police. Failure to comply with such request of the Chief of Police shall be grounds for the denial of the license sought by the applicant.
(Ord. 124-92. Passed 6-2-92.)

713.07 POSTING LICENSE.

Every license issued hereunder to any person, society, club, firm or corporation for the opening, conducting, maintaining or operating of a billiard room shall be posted on the wall of the billiard room where it may be clearly seen at all times.
(Ord. 124-92. Passed 6-2-92.)

713.08 TERM OF LICENSE; PRO RATA FEE.

All licenses issued hereunder shall be in force and effect from January 1 to December 31 of the year in which issued. Licenses obtained on or after July 1 of any given year shall be issued for one-half of the annual fee for such license.
(Ord. 124-92. Passed 6-2-92.)

713.09 INVESTIGATION OF APPLICANT; APPLICANT REJECTION.

The Chief of Police shall cause an investigation to be made as to the character and fitness of the applicant or applicants or the officers of the club, society or corporation, or of the person who is to have the general management of the business. The application shall be rejected if the Chief of Police shall find:

- (a) Any of the persons named in the application not of good moral character, or;
- (b) That any of such persons have previously been connected with any pool room where the license has been revoked, or;

- (c) Where; any of the provisions with reference to pool rooms have been violated, or;
- (d) If the pool room place, sought to be so licensed, does not comply in every way with regulations, ordinances and laws applicable thereto, or;
- (e) If at any time within one year prior to the date of such application the place for which application is made shall have been conducted as a pool room and the sale or giving away of any intoxicating liquors took place or were permitted upon such premises, or;
- (f) If within such time such place was used, frequented or resorted by any riotous, noisy or disorderly persons, or by gamblers or common prostitutes, or;
- (g) If any breach or disturbance of the peace was permitted therein, or;
- (h) If any riotous, noisy or disorderly conduct on such premises was permitted by the proprietor thereof when it was within his power to prevent it.
(Ord. 124-92. Passed 6-2-92.)

713.10 HOURS OF OPERATION.

All licensed billiard rooms may be open and in operation during and only during the hours from 7:00 a.m. to 2:30 a.m. daily, except on Sunday, on which day of each week, no billiard rooms shall be open between the hours of 2:30 a.m. and 1:00 p.m.
(Ord. 124-92. Passed 6-2-92.)

713.11 MINORS UNDER EIGHTEEN.

No owner or keeper of a billiard parlor, or owner or keeper of a billiard table at any other public place shall permit a minor under the age of eighteen years to play billiards or pool, or be and remain in such parlor or public place. Provided, a minor under eighteen years of age, when accompanied by either parent or his/her legal guardian may be permitted to play both billiard and pool, or be and remain in such parlor or public place. Provided, further, that an adult person acting in loco parentis, who is in charge of a group of minor children under the age of eighteen years, may bring such group into a billiard or pool parlor for the purpose of permitting them to play both billiards and pool and such group may be permitted to play both billiards and pool or be in and remain in such a parlor or public place so long as they remain under, the supervision and control of such adult person.
(Ord. 124-92. Passed 6-2-92.)

713.12 LICENSE REVOCATION AND APPEAL.

Any license granted or issued under the terms of this chapter may be revoked at any time by the Chief of Police on satisfactory proof that gambling or other violation of the laws or ordinances of the City of Gahanna or State of Ohio is suffered or permitted to take place on the premises of such billiard room.
(Ord. 124-92. Passed 6-2-92.)

713.13 SPECIFICATIONS AND REQUIREMENTS.

All billiard rooms licensed hereunder shall conform to the following specifications and requirements:

- (a) There shall be a front entrance which shall remain unlocked during the hours of operation of the billiard room.
- (b) There shall be no screen, blind, partition or other obstruction to clear vision through the establishment from front to rear during hours of operation.
- (c) There shall be no warning signal, device, system or arrangement which is used, or could be used, to make occupants and employees of the billiard room aware of the approach or presence of inspectors or police officers.
- (d) No game of or with dice of any description shall be played in a licensed billiard room.
- (e) All billiard rooms shall be on the ground floor of the building where located.
(Ord. 0246-2002. Passed 12-16-02.)

713.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree.
(Ord. 124-92. Passed 6-2-92.)

CHAPTER 905
Streets

- | | |
|---|---|
| <p>905.01 Director of Public Service to set sign standards.</p> <p>905.02 Signs to be furnished before final subdivision street acceptance.</p> <p>905.03 Cul-de-sac fee and maintenance fund.</p> | <p>905.04 Creation of Roadway Improvement Districts.</p> <p>905.05 YMCA Place Roadway Improvement District.</p> |
|---|---|

CROSS REFERENCES

Dedication and acceptance - see Ohio R.C. 723.03
Change of name, vacating and narrowing streets - see Ohio R.C. 723.04 et seq.

905.01 DIRECTOR OF PUBLIC SERVICE TO SET SIGN STANDARDS.

The Director of Public Service shall choose suitable standards of design, design material and color for street name signs, posts and the method of installation. Such standards shall be on file with the Division of Building Regulation and the Municipal Engineers.
(Ord. 35-64. Passed 8-17-64.)

905.02 SIGNS TO BE FURNISHED BEFORE FINAL SUBDIVISION STREET ACCEPTANCE.

(a) Before the final acceptance of any subdivision streets by the Deputy Director of Public Service and City Engineer and Council, the developer shall furnish or agree to furnish, all initial signage and posts designed and manufactured to City specifications. The developer shall further arrange to install such signs and posts or have the Department of Public Service install the same at locations to be marked upon the proposed subdivision plat and according to the City specifications.

(b) Such signage may include, but is not limited to, street name signs, stop signs, yield signs, no parking signs, pavement markings, school zone indicators, including posts, and any other traffic control devices deemed necessary or appropriate.

(c) As an alternative, the developer may furnish to the Department of Public Service, money to purchase and install such initial signage whenever it is deemed practicable. Such money may also be charged against the developer's escrow, if necessary, to assure reimbursement to the City.

(d) Expenses for any initial signs or devices installed by the City under this section shall be charged to the developer at the actual cost per sign, device or other material, plus actual labor for each installation. (Ord. 14-86. Passed 3-4-86.)

905.03 CUL-DE-SAC FEE AND MAINTENANCE FUND.

(a) Before the final acceptance of any streets by the Deputy Director of Public Service/City Engineer and Council, the developer shall pay to the Director of Finance a cul-de-sac fee at the rate of five dollars (\$5.00) per lineal foot of cul-de-sac, measured from the point at the centerline of the cul-de-sac where it intersects with the right-of-way line of the public street, commencing from there down the centerline of the cul-de-sac, to the other end of the right of way of such cul-de-sac, as measured by the Deputy Director of Public Service/City Engineer. No part of this fee shall be refundable. The developer shall pay this fee prior to final acceptance of the streets, storm drainage and street lights.

(b) For purposes of this chapter, a "cul-de-sac" is defined as a public right of way for vehicular traffic designed with only one outlet. It includes blind alleys, dead-end streets, and hammerheads, but does not include stub streets which are intended, as of the time of final plat acceptance, to be designed for future extension or connection with another public right of way for vehicular traffic.

(c) Funds received by the Director of Finance pursuant to this section shall be deposited in the Cul-de-sac Maintenance Fund, which shall be used solely for equipment capable of maintaining and repairing cur-de-sacs.
(Ord. 28-82. Passed 4-6-82.)

905.04 CREATION OF ROADWAY IMPROVEMENT DISTRICTS.

Council may, from time to time, designate areas within the City as special Roadway Improvement Districts. The regulations, rates, and fees applicable shall apply to Roadway Improvement Districts created by Council unless Council shall otherwise provide.
(Ord. 0033-2003. Passed 2-18-03.)

905.05 YMCA PLACE ROADWAY IMPROVEMENT DISTRICT.

(a) There is hereby established an area known as the YMCA Place Roadway Improvement District for the purpose of constructing roadway improvements to serve the District and to recover the cost of said roadway improvements by means of a per acre fee, as described herein, with said YMCA Place Roadway Improvement District most particularly described in Exhibit A and map as shown on Exhibit B, with both exhibits attached to the original Ordinance 0033-2003, passed February 18, 2003.

(b) The boundary zone consists of 23.68 acres which consists of Franklin County Parcel Identification numbers: 170-001817, 025-011840, 025-011837, 025-011230, 025-011482, and 025-012709, of record on January 22, 2003.

(c) As development occurs in the subject area, the developers shall pay an acreage fee in the amount of \$6,123 per acre. This fee is based upon the total composite acreage of the bound area described. Furthermore all right of way, park land and easement dedication required by annexation, rezoning and final development plan approvals are non-exempt from this acreage fee.

(d) The said district formed by this described boundary is being assessed for roadway improvements known as YMCA Place. Additional requirements and/or improvements may be required as a result of annexation, rezoning, final development plan approval, and site utility engineering review. (Ord. 0033-2003. Passed 2-18-03.)

CHAPTER 921
Sewer Connections and Rental Rates

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

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 DEFINITION.

"Sewer service connections means the complete sewer line from the Municipal sewer main in the street, alley or private right of way to a connection with the plumbing at the building. (Ord. 9-68. Passed 1-31-68.)

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 Municipal Director of Public Service to install a sanitary sewer service connection, make application to the Municipality 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 Municipality 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. 9-68. Passed 1-31-68.)

921.03 PERMIT REQUIRED; FEE; MULTIPLE USE CONNECTIONS PROHIBITED.

No connection with any part of the Municipal sanitary sewer system, nor the repair or removal thereof, nor any excavation therefor 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.

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. 0203-2002. Passed 11-4-02.)

921.04 SEWERAGE SYSTEM CAPACITY CHARGE.

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.

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:

Domestic Supply Water Tap Size (Inches)	System Capacity Charge			
	2001	2002	2003	2004
3/4	\$ 1,475	\$ 1,775	\$ 1,975	\$ 2,100
1	3,050	3,700	4,075	4,350
1-1/2	8,000	9,725	10,750	11,450
2	13,725	16,650	18,425	19,600
3	28,550	34,650	38,325	40,800
4	44,650	54,225	59,950	63,800
6	100,600	122,225	135,175	143,800
8	178,325	216,875	239,850	255,200

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.

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	Tapper'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 services.
929.09	Materials and construction.	929.19	Partial payment.
929.10	General provisions.	929.99	Penalty.

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 Municipal 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 Municipality.
- (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. 70-73. Passed 10-16-73.)

929.02 PERMIT REQUIRED; MULTIPLE USE CONNECTIONS PROHIBITED.

(a) No connection with any part of the municipal water system, nor the repair or removal thereof, nor any excavation therefor 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 by March 1, recommending that this fee either be maintained or modified. (Ord. 0204-2002. Passed 11-4-02.)

929.03 WATER TAP CHARGE.

(a) The Division of Water shall make and 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 April 3, 1990)
0.75 or less	\$ 700.00
1.00	820.00
1.50	1,050.00
2.00	1,400.00

(b) For taps larger than two inches in nominal diameter, the charge shall be actual cost plus twenty-five percent. A cash deposit equal to the estimated charge shall be required. Any excess deposit shall be refunded and any deficiency shall be paid.

(c) The water tap charges, set forth above, shall be reviewed each year by March 1 by the Director of Public Service, who shall submit a written report to Council, recommending needed adjustments based upon actual cost.

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

(e) 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.

If such owner, or other person having charge of such lands or buildings is a nonresident whose address is known, such notice shall be sent to his address by certified mail. If the address of such owner, whether a resident or a nonresident is unknown, it shall be sufficient to publish such notice once in a local newspaper. After completion of notice, the Director shall make due return thereon, setting forth the cost of service. (Ord. 26-76. Passed 3-16-76.)

941.12 FAILURE TO COMPLY; REMEDY.

Upon failure of any owner, lessee, agent or tenant having charge of the lots, land, and/or upon or in such buildings under the provisions of Section 945.01 to comply with the notice within the period of time stipulated under the provisions of Section 945.02, the Director of Public Service shall cause such garbage and rubbish to be eliminated, removed and disposed of by the direct employment of labor, or authorize some person to eliminate, remove or dispose of such garbage or rubbish on behalf of the Municipality.
(Ord. 26-76. Passed 3-16-76.)

941.13 REPORT OF COSTS TO COUNCIL.

Upon the performance of the labor under the provisions of Section 941.12, the Director of Public Service shall report to Council the cost thereof with respect to each lot or parcel of land and/or building, including the cost of investigation, handling of garbage and rubbish complaints and costs of service and notification.
(Ord. 26-76. Passed 3-16-76.)

941.14 RETURN TO COUNTY AUDITOR.

Upon receipt of the report under the provisions of Section 941.13, and approval thereof by Council, the Auditor shall make a return in writing to the Auditor of Franklin County of such charges which shall be entered upon the tax duplicate of the County, all in accordance with Ohio R.C. 731.54.
(Ord. 26-76. Passed 3-16-76.)

941.15 PICKUP AND DISPOSAL FEES.

(a) The Director of Public Service shall charge and every household or the owner or tenant of such household shall pay for weekly garbage and rubbish pickup at the following monthly rates effective January 1, 2002:

	Monthly	Quarterly
Curb pickup	\$ 11.43	\$ 34.29
Carryout service	\$ 21.28	\$ 63.84

(Ord. 0219-2002. Passed 11-18-02.)

(b) In cases other than normal weekly pickup where household pickup is requested or pursuant to Section 941.12, the Director shall charge, and every household or the owner or tenant of such household shall pay, fifty dollars (\$50.00) per one-half hour minimum and a charge of one hundred dollars (\$100.00) per hour.

(Ord. 0271-2000. Passed 11-20-00.)

941.16 PAYMENT SCHEDULE.

Each household or the owner or tenant of such household shall pay in advance in installments as determined by the Director of Public Service to the auditor the fees imposed pursuant to 951.15. Billings shall be mailed on a schedule to be determined by the Director and may be included as part of the water and sewer billings.

(Ord. 137-79. Passed 12-18-79.)

941.17 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) Sewer;
- (c) Water;
- (d) Water improvement; and
- (e) Penalty.

(Ord. 127-82. Passed 12-7-82.)

941.99 PENALTY.

Whoever violates Sections 941.02 or 941.03 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for the first offense, and for each subsequent offense, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

(Ord. 26-76. Passed 3-16-76.)

CODIFIED ORDINANCES OF GAHANNA
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Platting and Subdivisions

- Chap. 1101. Title and Definitions.
- Chap. 1103. Application and Variances.
- Chap. 1105. Preliminary and Final Plats.
- Chap. 1106. Subdivision Without Plat.
- Chap. 1107. Improvements.
- Chap. 1108. Final Development Plan Procedure.
- Chap. 1109. Standards.

TITLE THREE - Zoning

- Chap. 1121. Title, Interpretation and Validity.
- Chap. 1122. Intent and Purpose.
- Chap. 1123. Definitions.
- Chap. 1125. Administration.
- Chap. 1127. Compliance, Enforcement and Penalty.
- Chap. 1129. Zoning Certificates.
- Chap. 1131. Variances.
- Chap. 1133. Amendments.
- Chap. 1135. Districts and Zoning Map.
- Chap. 1136. ER-1 Estate Residential Districts.
- Chap. 1137. ER-2 Estate Residential Districts.
- Chap. 1139. SF-1 Residential Districts.
- Chap. 1141. SF-2 Residential Districts.
- Chap. 1143. SF-3 Residential Districts.
- Chap. 1145. R-4 Residence Districts.
- Chap. 1147. MR-1 Residential Districts.
- Chap. 1149. AR Multi-Family Residence Districts.
- Chap. 1150. Olde Gahanna Downtown District.
- Chap. 1151. Planned Districts.
- Chap. 1152. Overlay Districts.
- Chap. 1153. General Commercial Districts.
- Chap. 1154. Restricted Institutional District.
- Chap. 1155. M-1 Manufacturing Districts.
- Chap. 1157. Planned Industrial Park Districts.
- Chap. 1159. Prohibited Land Use and Development.
- Chap. 1161. Nonconforming Uses.
- Chap. 1163. Parking Regulations.
- Chap. 1165. Signs.
- Chap. 1167. General Development Standards, Additional Use, Height and Area Regulations.
- Chap. 1169. Conditional Uses.
- Chap. 1171. Fences.
- Chap. 1175. Bed and Breakfast Inns.
- Chap. 1177. Home Occupations.
- Chap. 1179. Satellite Earth Station.

TITLE FIVE - Flood Plain Zoning

Chap. 1191. Regulatory Flood Hazard Area.

Chap. 1193. Stormwater Management Policy.

Chap. 1195. Soil Erosion and Sedimentation Policy.

TITLE SEVEN - Design Review

Chap. 1197. Design Review.

**CHAPTER 1129
Zoning Certificates**

- | | |
|---|---|
| <p>1129.01 Zoning certificates.</p> <p>1129.02 Submission of plat.</p> <p>1129.03 Change of use; variance.</p> <p>1129.04 Continuance of authorized nonconforming uses.</p> | <p>1129.05 Zoning certificate fee.</p> |
|---|---|

CROSS REFERENCES

- Variances - see P. & Z. Ch. 1131
 Nonconforming uses - see P. & Z. Ch. 1161
 Zoning certificate required for signs - see P. & Z. 1165.06

1129.01 ZONING CERTIFICATES.

No building shall hereafter be located, constructed, reconstructed, enlarged or structurally altered, nor shall any work be started upon the same, until a zoning certificate has been issued by the Zoning Administrator, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Ordinance and which certificate shall state any additional regulations and standards for the use of the land and for structures in that district which the Planning Commission deems necessary to carry out the full intent of this Zoning Ordinance. (Ord. 36-96. Passed 3-5-96.)

1129.02 SUBMISSION OF PLAT.

No zoning certificate shall be issued by the Zoning Administrator until the applicant for such certificate has submitted a plat of the area upon which the applicant's use or structure is proposed. Such plat shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks and a signed statement that such applicant will conform with all zoning regulations then in force for such area. (Ord. 0180-2002. Passed 10-7-02.)

1129.03 CHANGE OF USE; VARIANCE.

No land shall hereafter be occupied or used and no building hereafter located, constructed, reconstructed, enlarged or structurally altered shall be occupied or used, in whole or in part, for any purpose except that of agriculture, in accordance with the terms of this Zoning Ordinance, until a zoning certificate is issued by the Zoning Administrator stating that the building and use comply with the provisions of this Zoning Ordinance. No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agriculture or single-family dwelling purposes, without a zoning certificate being issued therefor by the Zoning Administrator. No zoning certificate shall be issued to make a change, unless the changes are in conformity with the provisions of this Zoning Ordinance, or unless a variance has been granted by the Planning Commission. (Ord. 36-96. Passed 3-5-96.)

1129.04 CONTINUANCE OF AUTHORIZED NONCONFORMING USES.

Nothing in this chapter shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property. (Ord. 4-58. Passed 4-29-58.)

1129.05 ZONING CERTIFICATE FEE.

The fee for a zoning certificate shall be five dollars (\$5.00) for single-family residential districts or twenty-five dollars (\$25.00) for all other districts. (Ord. 0180-2002. Passed 10-7-02.)

(4) Institutions.

	Museums and art galleries.
--	----------------------------

(b) Conditional Uses. The following uses shall be allowed in the Multi Family or Suburban Office District subject to approval in accordance with Chapter 1169.

(1) Institutions.

835	Day care centers.
842	Arboreta and botanical or zoological gardens.

(2) Family care home. (As defined in Chapter 1123). The purpose of this section is to regulate the establishment of residential care facilities for individuals who are unable to live in their own home or with their family, are unsuited for foster home placement, or when foster home placement is unavailable and who are not in need of institutional care or treatment.

(3) Organizations and associations.

86	Membership organizations, excluding 8661 Religious Organizations.
----	---

(4) Residential. Living quarters as an integral part of permitted use buildings in subsections (a)(2) to (a)(4) and (b)(1) to (b)(3) hereof.

(5) Multiple dwelling units. Multiple dwelling units as part of permitted use buildings in subsections (a)(2) to (a)(4) and (b)(1) to (b)(3) hereof.

(c) Development Standards. The following Development Standards shall be applicable to multiple family units where they are not part of another structure:

(1) Lot area. For each two-family building, there shall be a lot area not less than 8,000 square feet per two-family building. For each dwelling unit more than two in a building, there shall be not less than 1,200 square feet of additional lot area per additional dwelling unit.

(2) Lot coverage. Lots shall have thirty-five percent (35%) open space.

(3) Lot width. For a two-family dwelling, there shall be a lot width of seventy-five feet or more at the front line of the dwelling, and for each dwelling unit more than two, there shall be required an additional five feet of lot width, and such lot shall have access to and abut on a public right of way for a distance of forty feet or more.

- (4) Front yard. There shall be a minimum of a twenty-five foot front yard except where it fronts on a street right of way in which case it shall be a minimum of ten feet.
- (5) Side yard. For dwellings or associated accessory buildings, there shall be a total of side yards of fifteen feet or more with a minimum of eight feet on one side. If there are no windows in that side yard, there can be a zero side yard.
- (6) Rear yard. For main buildings, there shall be a rear yard of twenty-five feet or more.
- (7) Density. Any density more than eighteen units per acre or which exceeds this average maximum density of eighteen units per acre shall require a Conditional Use.
- (8) Dwelling dimensions. Each single-story, two-family dwelling hereafter erected or structurally altered shall have a ground floor area, exclusive of open porches and garages, of not less than 800 square feet of living area per dwelling unit. Each multi-story, two-family dwelling hereafter erected or structurally altered shall have a ground floor area, exclusive of open porches and garages, of not less than 500 square feet of living area per dwelling unit, and a total living area of not less than 900 square feet per dwelling unit.
Each multi-family building containing more than two residential units shall contain not less than 600 square feet of living area per dwelling unit, exclusive of open porches and garages, for an efficiency unit. There shall be a minimum of 100 square feet added for each separate bedroom. If a dwelling unit is on more than one floor, it shall contain a minimum of 100 additional square feet.
- (9) Relationship of main buildings to each other. The front and rear yard of a building shall be determined with respect to the lot configuration. Generally, the longest dimensions of a building shall be used to consider its front and rear. The distance between the ends of two buildings, which are the shorter sides of a building, shall be a minimum of twenty feet if there are windows in the ends of the buildings. This distance may be reduced to sixteen feet in the absence of windows. If the front or rear of a main building is adjacent to the side yard of another main building, the side yard of the other main building shall be a minimum of fifteen feet.
(Ord. 0095-2002. Passed 5-20-02.)

1150.05 GENERAL DOWNTOWN COMMERCIAL.

The purpose of this district is to recognize the unique characteristics, history, existing uses and potential of the original part of Gahanna. Thus, special provisions and procedures have been developed and incorporated in the provisions of this zoning category:

- (a) Permitted Uses. Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Olde Gahanna District.

(b) Conditional Uses.

	Private Golf Courses.
	Private Swimming Pools.
	Outdoor Theatre.
7999	Amusement and Recreation Services.
8641	Civic, social and fraternal organizations.

(Ord. 980511. Passed 12-21-98.)

1150.08 DEVELOPMENT STANDARDS.

The following standards shall be required for those zoning areas covered by this chapter with the exception of multi-family and single family:

- (a) Intensity of Use. No minimum lot size is required except where specifically required in this section; however, lot size shall be adequate to provide the yard space required by these Development Standards and, to promote redevelopment, where possible, lot aggregation is encouraged.
- (b) Lot Width. No minimum lot width is required except where specifically required in this section; however, all lots shall abut a street, public pedestrian access, and/or right of way, and have adequate width to provide the yard space required by these Development Standards.
- (c) Side Yard. A side yard shall be required adjacent to a residential zoning district and as otherwise required in this section. These required side yards shall be not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than fifteen feet, and such yard shall be landscaped. Parking spaces, drives or service areas shall be in addition to such yard requirements.
- (d) Rear Yard. A rear yard shall be required adjacent to a residential zoning district and as otherwise required in this section. These required rear yards shall be not less than one-fourth of the sum of the height and width of the building except when adjacent to a dedicated alley having not less than twenty feet of right of way. A use to be serviced from the rear shall have a service court, alleyway or combination thereof, and is encouraged to be enclosed by a solid wall or fence of materials complementary to or compatible with the building construction materials.
- (e) Height. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be more restrictive.
- (f) Building Line. No building may be placed closer than ten feet to the street curb in order to provide for a minimum ten feet wide pedestrian walkway; or project further toward the street than the established building line, whichever is greater except for an upper story, which may project beyond the building line a distance of no greater than fifty percent (50%) of the sidewalk width, provided there is a minimum clear space of ten feet above an established sidewalk elevation.
(Ord. 980511. Passed 12-21-98.)

1150.09 NEW CONSTRUCTION.

Any new construction in these special downtown zoning districts shall emphasize urban design in context with pedestrian amenities and natural features. It shall conform to community development goals and recommendations directed in Chapter 1197 of the Codified Ordinances of Gahanna. Buildings, projected uses, and landscaping shall integrate with the surrounding natural features. Project plans shall contribute to a creative, eclectic architectural style that expands Olde Gahanna's unique character and sense of place.

New building projects shall be sensitive to historic preservation and have similar massing and building form as that of neighboring buildings. Projects shall have good context by successfully relating to and enhancing adjacent structures and open spaces. Projects shall encourage pedestrian safety, activities, and accessibility. All potentially visible building facades shall be addressed architecturally and functionally. For creekside projects, special emphasis shall be placed on creating functional, people-oriented facades along Big Walnut Creek.
(Ord. 0093-2002. Passed 5-20-02.)

1150.10 RESTRICTIONS.

(a) Alterations, Style, and Architecture. All work performed on the exterior of any building within these special downtown zoning districts shall follow the guidelines in Sections 1150.09 and 1150.11 herein.

(b) Encroachment. No construction, improvements, or structures, will be undertaken in any area of the Olde Gahanna Downtown Zoning Districts without a Certificate of Appropriateness from the Planning Commission.

No removal, damage to, change or addition to trees, plants, or landscaping shall be done without prior written approval by the Planning Commission.
(Ord. 0093-2002. Passed 5-20-02.)

1150.11 DESIGN RECOMMENDATIONS.

Design recommendations encourage and direct a form of development and redevelopment that achieves the physical qualities necessary to maintain and enhance Olde Gahanna's economic vitality and its unique character. Design shall maintain this character by emphasizing historic character, building size and scale relationships, and valued landmarks while encouraging an eclectic creative mix of architecture, outdoor pedestrian spaces, and landscaped areas.

Within and adjacent to the Creekside area, development shall be encouraged to recognize a significant visual relationship with Big Walnut Creek, pedestrian access to and from Creekside Park, multiple facades toward both Creekside Park and the street or public right-of-way.

(a) Design recommendations shall be as directed in Chapter 1197 of the Codified Ordinances of Gahanna and in the applicable adopted design guidelines document.

(b) Design Review. All structures in the Olde Gahanna Downtown District, excepting those in Downtown Single Family Residential, are subject to design review and shall be subject to approval by Planning Commission for all alteration, renovations, additions, reconstruction, or new construction.

(Ord. 0093-2002. Passed 5-20-02.)

1150.12 SIGNS.

All signs shall be governed by the existing regulations of Chapter 1165, including the following:

- (a) Menu Boards Permitted in Creekside Downtown Only. Each establishment serving food and/or beverages, where proceeds from sale of such food and/or beverages represents 75% or more of their gross receipts, may have one erasable style, two-sided menu board. A menu board will be permitted for each front facade of the building that the establishment occupies. Such menu board shall contain only the establishment's actual menu, and shall not exceed fifteen square feet per side. Menu boards shall be displayed only during hours of operation.
- (b) Directory Signs. Directory signs are encouraged in those instances where there is more than one business on any one property in the Creekside area. Such directory sign shall be approved by the Planning Commission.
- (c) Illuminated Sign Restrictions.
 - (1) No flashing lights permitted.
 - (2) Light source shall be a steady light concealed by a hood or any other method of indirect lighting approved by the Planning Commission.
 - (3) Exterior neon is allowed in small quantities.
 - (4) All lighting installed by property owners or tenants shall be kept in good and safe repair. All burned out bulbs shall be promptly replaced.
- (d) Prohibited Signs. On premises ground signs are prohibited in the Downtown Creekside area only.
- (e) Materials. Signs should be made of wood, materials that resemble wood, or iron. Metal supports may be used as long as they are encased in wood, stone, brick or materials that resemble same for appearance purposes. Sand blasted signs are encouraged. (Ord. 0093-2002. Passed 5-20-02.)

CHAPTER 1169
Conditional Uses

- | | |
|---|---|
| 1169.01 Nature of conditional uses;
intent.
1169.02 Written applications.
1169.03 Advertised public hearing.
1169.04 Actions of the Planning
Commission. | 1169.05 Conditional use approval.
1169.06 Fees for conditional uses. |
|---|---|

CROSS REFERENCES

Zoning certificates required - see P. & Z. 1129.03
 Variances: conditions and procedures - see P. & Z. 1131.01 et seq., 1191.15
 Flood plain zoning, conditional uses and variances - P. & Z. 1191.06 et seq.,
 1191.15

1169.01 NATURE OF CONDITIONAL USES; INTENT.

Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans. (Ord. 29-72. Passed 5-2-72.)

1169.02 WRITTEN APPLICATIONS.

Written application shall be made to the Zoning Administrator who shall transmit such application to the Planning Commission.

- (a) Description of Property and Intended Use. The application shall include the following statements:
- (1) A legal description of the property.
 - (2) The proposed use of the property.
 - (3) A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 - (4) A statement of the relationship of the proposed use to adjacent property and land use.
 - (5) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Commission.

- (b) **Plot Plan.** The application shall be accompanied by three copies of a plot plan, drawn to an appropriate scale, clearly showing the following:
- (1) The boundaries and dimensions of the lot.
 - (2) The size and location of existing and proposed buildings and/or structures.
 - (3) The proposed use of all parts of the lot, buildings and/or structures, including accessways, walks, off-street parking and loading spaces, and landscaping.
 - (4) The relationship of the proposed development to the development standards.
 - (5) The use of land and location of structures on adjacent property.
- (Ord. 0181-2002. Passed 10-7-02.)

1169.03 ADVERTISED PUBLIC HEARING.

Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application, notice of which shall include place, time, date, and nature of such applied for in a newspaper of general circulation in the Municipality during the calendar week prior to the public hearing. Notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

(Ord. 0181-2002. Passed 10-7-02.)

1169.04 ACTIONS OF THE PLANNING COMMISSION.

The Planning Commission shall hold a public hearing and act on a conditional use in one of the following ways:

- (a) **Approval.** The Planning Commission shall approve an application for a conditional use if the following four conditions are met:
- (1) The proposed use is a conditional use of the zoning district and the applicable development standards established in this Zoning Ordinance are met.
 - (2) The proposed development is in accord with appropriate plans for the area.
 - (3) The proposed development will not have undesirable effects on the surrounding area.
 - (4) The proposed development will be in keeping with the existing land use character and physical development potential of the area.
- (b) **Approval with Modification.** The Commission may approve, with modification, an application for a conditional use if the proposed use is a conditional use of the zoning district and the applicable development standards are met, but plot plan modification is required:
- (1) To be in accord with the appropriate plans for the area; and
 - (2) To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.

- (c) Disapproval. The Commission shall only disapprove an application for a conditional use for any one of the following reasons:
- (1) The proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met.
 - (2) The proposed development is not in accord with appropriate plans of the area.
 - (3) The proposed development will have undesirable effects on the surrounding area.
 - (4) The proposed development is not in keeping with the existing land use character and physical development potential of the area.
(Ord. 0181-2002. Passed 10-7-02.)

1169.05 CONDITIONAL USE APPROVAL.

Upon a favorable finding, the Commission shall approve a conditional use application within thirty days following the public hearing.

- (a) Conditional Use Permit. A Zoning Certificate may be issued only for an approved conditional use within the period one year from the date of final approval by the Commission.
- (b) Building Permit. A Building Permit may be obtained only for the development in accordance with the approved plot plan.
(Ord. 0181-2002. Passed 10-7-02.)

1169.06 FEES FOR CONDITIONAL USES.

Fee to Cover Administrative Costs and Advertising. A fee of fifty dollars (\$50.00) shall be paid to the City, for each application for a conditional use, provided however, that public parks, playgrounds and recreation areas, operated by membership organizations for the benefit of their organization and not for profit, shall not be subject to the hereinabove required fee. The fee for an amended application shall be one-half the cost of the original application fee.
(Ord. 0181-2002. Passed 10-7-02.)

TITLE SEVEN - Design Review
Chap. 1197. Design Review.

CHAPTER 1197
Design Review

- | | |
|---|--|
| <p>1197.01 Purpose and intent.
 1197.02 Duties and responsibilities.
 1197.03 Application.
 1197.04 Fee.
 1197.05 Certificate of appropriateness required.
 1197.06 Planning Commission action.
 1197.07 Standards for design review.
 1197.08 Design Review Districts established.</p> | <p>1197.09 Design Review District standards.
 1197.10 Variances required.
 1197.11 Action on applications to be recorded.
 1197.12 Appeal of denied applications.
 1197.99 Penalty.</p> |
|---|--|

CROSS REFERENCES

Board of Zoning and Building Appeals - see CHTR. Art. X
 Design standards for subdivisions - see P. & Z. Ch. 1109
 Planning Commission zoning powers - see P. & Z. 1125.01, 1125.02
 Zoning certificate required - see P. & Z. 1129.01
 Variance procedures - see P. & Z. 1131.02 et seq.
 Development standards for zoning districts - see P. & Z. Ch. 1167

1197.01 PURPOSE AND INTENT.

The primary purpose of the design review standards is to create a design environment that enhances the community and promotes the public health, safety and welfare of the City by establishing design standards that enhance and/or preserve the architectural integrity and exterior appearance of the community. The standards prescribed in this section shall apply to any new, addition, or modified structures within the City Design Review Districts to encourage responsible development practices. The secondary purpose of the standards is to protect and promote the aesthetic posterity of the City and its environs. The Planning Commission shall evaluate applications and implement the standards described in this chapter for the appropriate Design Review District.

Applications for a Certificate of Appropriateness shall be subject to review by the Commission to determine that the proposals meet the following criteria:

- (a) Compatibility: Are stylistically compatible with other new, renovated, and existing structures in the applicable Design Review District in order to maintain design continuity and provide protection of existing design environment;
- (b) Character: Contribute to the improvement and upgrading of the architectural and design character of the Design Review District;
- (c) Economic Vitality: Contribute to the continuing economic and community vitality of the Design Review District; and
- (d) Surroundings: Maintain, protect and enhance the physical surroundings of the Design Review District.

Additional criteria may be considered as listed under each Design Review District in Section 1197.09.

In determining compliance with these criteria, the Commission shall incorporate the following design standards as outlined for each individual Design Review District and its appropriate design guidelines document. In the evaluation and approval of applications, the Commission shall use each design standard that it determines to be appropriate in complying with the criteria above. Local concerns, economic feasibility and the existing design environment should be a part of the evaluation and approval process.
(Ord. 0094-2002. Passed 5-20-02.)

1197.02 DUTIES AND RESPONSIBILITIES.

(a) The Planning Commission shall develop and implement design standards for each Design Review District established in Section 1197.08, shall review such standards on a regular basis to assure that they are adequately updated, and shall recommend any needed changes in a timely manner to Council for approval.

(b) It shall be the responsibility of the Commission to evaluate the design and Planning for each new, renovated or expanded structure or overall development proposed for a site located within any of the established design review districts.

- (1) In reviewing plans, the Commission shall examine:
 - A. Building design to include building massing and general architectural character, exterior surface treatments, fenestration, composition of all building elevations and the overall building color scheme.
 - B. Site development to include arrangement of buildings and structures on the site, use of signage, means of integrating: parking and drives, points of access to public streets, internal access drive patterns and placement, variety, quantity and size of landscape materials.
 - C. Overall impact of the proposed project or development on the surrounding properties to determine the effect the project or development will have upon the appearance and environment of the district.

- (2) In evaluating the design and planning for each new, renovated or expanded structure or development with a Design Review District, the Commission shall endeavor to assure that exterior appearance and environment of such buildings, structures and spaces shall:
- A. Enhance the attractiveness and desirability of the district in keeping with its purpose and intent.
 - B. Encourage the orderly and harmonious development of the district in a manner in keeping with the overall character of the district.
 - C. Improve residential amenities in any adjoining residential neighborhood.
 - D. Enhance and protect the public and private investment in the value of all land and improvements within the district and each adjoining district or neighborhood.
- (3) The Commission, in performance of its duties, may prescribe modification of the proposed architectural design or site Planning as may be appropriate to assure the proposed development complies with the design standards developed for the district under consideration.
(Ord. 141-97. Passed 7-1-97.)

1197.03 APPLICATION.

Written application for a Certificate of Appropriateness shall be submitted to the Zoning Administrator who shall review such application for proper form and contents. Upon acceptance of the application, the Zoning Administrator shall process the application in accordance with the provisions of this chapter. (Ord. 141-97. Passed 7-1-97.)

1197.04 FEE.

Application fee for a Certificate of Appropriateness shall be twenty-five dollars (\$25.00) for the basic review fee plus ten dollars (\$10.00) for each 1,000 square feet or fraction thereof of gross floor area contained within the proposed new construction or the expanded portion of an existing structure; except, however, in no case shall the total fees for a Certificate of Appropriateness application exceed five hundred dollars (\$500.00). No floor area fee shall be charged for applications which do not involve new or additional gross floor area. The fee for an amended application shall be one-half the cost of the original application fee.
(Ord. 980121. Passed 5-4-98.)

1197.05 CERTIFICATE OF APPROPRIATENESS REQUIRED.

(a) A Certificate of Appropriateness must be obtained prior to commencing new construction or any remodeling, reconstruction or other building modification which would come within the jurisdiction of the Planning Commission. Such certificate shall not be required in the case of normal and customary building maintenance activities provided such activities do not render the structure concerned incompatible with the standards of the Design Review District as established by the Planning Commission under Section 1197.09.

- (b) (1) Any approval of a Certificate of Appropriateness shall be valid for a period of twelve months from date of approval.
- (2) A Certificate of Appropriateness for signage shall have all work completed within that twelve-month period.

- (3) A Certificate of Appropriateness for landscaping with regard to new construction shall have all work completed within twelve months from date of occupancy. A Certificate of Appropriateness for landscaping on remodeling, reconstruction or other building modification shall have all landscaping completed within twelve months of final inspection.
- (4) Any Certificate of Appropriateness which becomes invalid shall require the applicant to reapply.
(Ord. 0090-2000. Passed 5-15-00.)

1197.06 PLANNING COMMISSION ACTION.

(a) The responsibility of review and approval or denial of the application for a Certificate of Appropriateness shall rest with the Planning Commission. The applicant shall submit with his application, drawings, materials, sketches and proposed exterior and environment of any new, renovated or existing building or structure within the Gahanna Plan Review District.

(b) The Planning Commission shall review each application and approve, approve with modifications or conditions or disapprove such application within forty-five days of the meeting. Upon approval by the Commission, the Zoning Administrator shall issue a Certificate of Appropriateness to the applicant within fifteen days thereafter. Upon disapproval by the Commission, the Zoning Administrator shall not issue a Certificate of Appropriateness for such project.
(Ord. 141-97. Passed 7-1-97.)

1197.07 STANDARDS FOR DESIGN REVIEW.

(a) The Planning Commission shall review an application for a Certificate of Appropriateness to determine if proposed new construction or alteration to an existing structure promotes, preserves and enhances the overall architectural character of the Design Review District in which the structure is proposed to be located and to endeavor to assure that the proposed structure or alteration would not be incompatible with existing structures within the surrounding area.

(b) In conducting this review, the Commission shall examine and consider the design elements of the proposed structure including but not limited to the following:

- (1) Building height.
- (2) Building massing or the relationship of the building width to its height and depth, and its relationship to the pedestrian's visual perspective.
- (3) Fenestration to include the size, shape and materials of individual windows or door units and the overall harmonious relationship of window, door, or other openings within the building facade.
- (4) Exterior detail and relationships which shall include all projecting and receding elements of the building exterior including but not limited to the horizontal or vertical expression and composition which is conveyed by these elements.
- (5) Roof shape which shall include form and material.

- (6) Exterior materials which shall include consideration of material compatibility among various elements of the structure, the texture and color of each material and the visual impact the materials, when considered as a whole, will have upon the viewer's visual perspective.
- (7) Landscape design and plant materials which shall include site lighting and use of landscape features such as plant material, mounding, fencing or other details to highlight architectural features or screen and soften undesirable views.

Additional design elements that shall be considered will be listed in the applicable design guidelines document for each Design Review District.
(Ord. 0094-2002. Passed 5-20-02.)

1197.08 DESIGN REVIEW DISTRICTS ESTABLISHED.

Gahanna Design Review Districts as defined herein are established to control, encourage and regulate the character, placement, relationship and design of buildings, structures and spaces within the boundaries of each defined district.

- (a) "Design Review District 1 (DRD-1)" includes the general area known as Olde Gahanna as defined by the established Olde Gahanna Downtown Zoning District. Buildings and/or structures dedicated entirely to a one and/or two family use and which do not include in part or whole a commercial use listed in Chapter 1150, Olde Gahanna Downtown District, of the Codified Ordinances shall be exempt from receiving a Certificate of Appropriateness from the Planning Commission.
- (b) "Design Review District 2 (DRD-2)" includes all land within the City which is now zoned or may be zoned at a future time under Chapter 1149 as a Multiple-Family Residence District or is combined with Section 1152.02, Limited Overlay District.
- (c) "Design Review District 3 (DRD-3)" includes all land within the City which is now zoned or may be zoned at a future time under Chapter 1153 as a General Commercial District or is combined with Section 1152.02, Limited Overlay District.
- (d) "Design Review District 4 (DRD-4)" includes all land within the City which is now zoned or may become zoned at a future time under Chapter 1155, Manufacturing District or Chapter 1157, Planned Industrial Park Districts or is combined with Section 1152.02, Limited Overlay District.
- (e) "Design Review District 5 (DRD-5)" includes all land within the City which is now zoned or may become zoned at a future time under Chapter 1151, Planned Districts, or any variations thereof, to the extent that land uses defined under DRD-2, DRD-3 or DRD-4 may be incorporated into the Planned Development.
- (f) "Design Review District 6 (DRD-6)" includes all land within the City which is now zoned or may become zoned at a future time under Chapters 1136, 1137, 1139, 1141, 1143, 1145, 1147 or 1150 Residential Districts, or is combined with Section 1152.01, Residential Overlay District, which now have or may have at a future time a conditional use permit.
(Ord. 990151. Passed 4-5-99.)

1197.09 DESIGN REVIEW DISTRICT STANDARDS.

(a) Olde Gahanna (DRD-1). Along with the following guidelines and the requirements stated in Chapter 1150, all development issues in this district shall be subject to guidelines listed in the Olde Gahanna Design Guidelines document.

- (1) Applications for a certificate of appropriateness in DRD-1 shall be additionally subject to review by the Commission to determine that the project meets the following criteria:
 - A. Community goals: Does the project plan conform with community development goals or master plan.
 - B. Natural features: Does the project plan integrate buildings, landscaping, and activities with the site and the surrounding area's natural features and especially Big Walnut Creek.
 - C. Historic preservation: Is the project plan sensitive to historic preservation. (if applicable).
 - D. Context: Does the project plan have good context by successfully relating to and enhancing adjacent structures and open spaces. Does it contribute to the open space framework.
 - E. Balance and creativity: Does the project plan contribute to a creative, eclectic architectural style that is in harmony and balance with its surroundings.
 - F. Pedestrian needs: Is the project plan sensitive to pedestrian needs by encouraging pedestrian safety, activity, and accessibility.
 - G. Unique character: Does the project plan help to create and expand the area's sense of place, reinforce Olde Gahanna's unique character, and enhance its people-oriented setting.
 - H. Facades: Are all visible building facades addressed architecturally and contextually. For creekside projects, special emphasis shall be placed on creating people-oriented facades along Big Walnut Creek.
- (2) Additional guidelines are as follows:
 - A. Parking. (Other than Chapter 1163 of the Codified Ordinances.) On-street parking shall be encouraged. Surface parking lots are discouraged, but when permitted shall be located behind structures and shielded from pedestrian view with any of the following: heavy landscaping, decorative fencing, or decorative stone or brick walls. Parking structures shall have proper facades to conceal parked cars from pedestrian view. Parking structures shall be permitted only as a part of a mixed use project. Access to parking should be from side streets, alleys, and service drives.
 - B. Landscaping.
 1. Landscaped areas. Landscaped areas may include grass, uniformly trimmed hedge rows, shade and ornamental trees, vegetable and herb gardens, and flowerbeds. Outdoor sculpture and art is encouraged. Vegetable gardens are not permitted in Creekside.
 2. Fences. Decorative fences are permitted in areas directly in front of and to the side of active facades and may also delineate outdoor patio or commercial spaces. Side and rear yards may have fences. Rear yard fences are not permitted in Creekside.

- a. Type. Acceptable materials include wood (natural, bleached or painted a recommended paint color), metal, and masonry. Chain link fencing is prohibited. Decorative walls constructed of brick, stone or stucco may be substituted for fences.
 - b. Height. Heights of side and rear yard fences shall not exceed six feet except for dumpster screening as stated in Chapter 1167. Decorative front and side yard fences shall be limited to a maximum height of 42 inches.
3. Pathways. Streets and traffic ways within this area should be pedestrian friendly with minimum ten-foot wide sidewalks, street trees, landscaping, and appropriate lighting.
- C. Building materials. Any materials that will be noticeable upon external viewing of the property and development.
1. Recommended paint colors. When applicable, the use of colors for building materials should be equivalent to historic colors from the following collections: Historic Color Collection by Benjamin Moore Paints, Williamsburg Paint by Martin Senour, Restoration Colors by Coronado, or Heritage Colors by Sherwin Williams. Samples of these color collections are available for reference at the office of the Zoning Administrator.
 2. Facades. All visible facades should be addressed architecturally and functionally. Facades shall be scaled to the pedestrian.
 3. Exterior wall materials.
 - a. Siding. Siding shall be clapboard or beveled. Aluminum siding is prohibited. Vinyl siding shall be of a thickness greater than 0.044 mill, unless it is Dutch-lap beveled or shakes style.
 - b. Other materials. Brick, stone, wood, or stucco is allowed. Textured surfaces shall be required for stucco. Real brick or thin brick is permitted. Vinyl imitation stone or brick siding is prohibited, although high quality simulated brick stucco may be considered.
 4. Doors. Commercial structures should have main entrance doors made of wood or of a combination of wood and glass. Security doors may be made of metal. Doors made of steel or other materials that reflect the character of Olde Gahanna may be permitted at the discretion of the Commission. Recessed panels on wood doors are encouraged.
 5. Awnings. Awnings shall be constructed of durable and washable fabric material having a minimum lifespan of five years. A variety of colors is recommended, but shall be compatible with building color and neighboring structures. Boxed awnings and awnings with fringe are discouraged.

6. Roofing. Structures in Olde Gahanna should use one of the following roofing materials for all roof portions exposed to view: slate, synthetic slate, dimensional shingles, shake shingles, thick-butt shingles, clay tile, or standing seam metal roofs.
7. Balconies. No balcony will be added to an existing building without prior approval of the Planning Commission as to style and size. An adequate vertical clearance shall be maintained. Wrought iron, turned wooden railings or other natural materials are encouraged for exterior balconies. (Ord. 0094-2002. Passed 5-20-02.)

(b) Multi-family Dwellings (DRD-2).

(1) Parking. (Other than Chapter 1163 of the Codified Ordinances)

- A. Parking in multiple family developments shall be provided to facilitate residents and add visual interest to the development.
 1. Distance. The length from the parking area to the main and auxiliary structures of the development should be a maximum of 400 feet.
 2. Landscaping. The general layout of the parking area shall integrate a diverse use of vegetation to promote and define patterns of vehicular and pedestrian traffic. Curved linear designs should be encouraged to provide a natural and interesting effect to the development.
 3. Access. Adequate parking should be provided with access to recreational and open space facilities. Sidewalks shall be effectively distributed throughout the development to provide pedestrian access and circulation for the entire development.
 4. Lighting. Be designed to be on the concerned property and shall be metal halide. The lighting components should be visually interesting and serve not only to illuminate the parking area, but also to enhance the aesthetics of the parking area and the multiple family dwellings.

(2) Landscaping. Preserving and enhancing environmentally sensitive areas within the development will be a major consideration and effective landscaping practices should be considered.

- A. Topography. Areas of development that have significant topographic features such as ravines, lakes, ponds, rivers, streams, creeks, wetlands or woodlands should be preserved to maintain the natural environment within the development. (Refer to Chapter 1167, Preservation Zones of the Codified Ordinances.)
- B. Aesthetics. Aesthetic, as well as environmental concerns should be addressed to increase and diversify the tax base and preserve the intrinsic value of the area and neighboring properties.
 1. Vegetation. Generous use of native vegetation such as shade trees and shrubbery is encouraged to promote the rural environment that presently defines the City.
 2. Natural elements. Whenever possible, screening should be of natural elements such as mounding and vegetation; fences should be avoided.

3. Open space. Open space and diverse arrangements of landscaping are issues that should be explored to maintain the rural residential character of the community.
 4. Signage. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.
 - C. Screening. Effective use of natural devices should be employed to minimize the environmental impact of high density multiple family dwelling units and to create a subtle land use transition. Trees, mounding, waterways or a combination of these devices should be used to screen land uses and enhance the appearance of the development. Natural features within the development should be screened to protect the unique attributes of the natural environment from runoff and other externalities associated with high density living conditions.
- (3) Building materials. The visual effect of the development should compliment the surrounding structures. Colors, setting, styles and other physical issues should be addressed to ensure responsible development practices. Protecting property conditions and values creates a higher quality of life and a more valuable tax base for the City.
- A. Colors. Colors should be of a specific palette that fosters a harmonious relationship with other land uses and structures in the vicinity of the multi-family development.
 1. Type. Natural, historic, earthtones or similar colors would be least likely to contrast with the existing color scheme.
 2. Aesthetics. Consideration should be given to the color of existing and surrounding structures and developments.
 - B. Materials. Materials should be of the nature that will enhance the development and existing land values. Bricks, slate, wood, cement, stucco or other materials should provide diversity, but, at the same time, should be consistent with the area that they will be impacting.
 1. Type. Decorative stone and bricks are preferred, but decorative wood or vinyl siding may be used as long as they are approved by the Planning Commission.
 2. Other materials. Should be approved by the Planning Commission and be in conformity with existing structures.
 3. Aesthetics. The existing features of the area and the visual orientation should be complimented by the location and style of new developments; contrast and conflict should be avoided.
 - a. Adjacent buildings and different architectural styles shall be made compatible by such means as screens, sight breaks and materials.
 - b. Exterior lighting shall be part of the architectural landscape and building design.
 - c. All exterior building materials shall be of durable quality.
- (c) General Commercial (DRD-3).
- (1) Parking. (Other than Chapter 1163 of the Codified Ordinances.)
 - A. Parking in commercial areas shall add visual interest to the development and enhance the development.

1. Distance. The length from the parking area to the main commercial building being serviced by the parking area shall not be greater than 550 feet.
 2. Access. The entrances and exits from the commercial development should be well decorated and landscaped to minimize unsightly visual appearance of commercial developments but should not obstruct the sight triangle.
 3. Lighting. The lighting components should be visually interesting and serve not only to illuminate the parking area but, also, to enhance the aesthetic appearance of the parking area and commercial development. Metal halide lighting shall be encouraged.
 4. Parking areas. Small individual parking areas should be encouraged over large parking areas that serve many.
 5. Landscape islands. Islands of landscape (grass, trees, shrubs, etc.) shall be in the center and at the perimeter of the commercial development parking areas. (See Chapter 1163 of the Codified Ordinances for interior landscaping requirements.)
- (2) Screening. Focusing on conflicting land uses and the externalities that are created should be minimized with screening efforts by the developer of the commercial development.
- A. Natural Elements. Earth mounding and trees should be considered to reduce neighborhood noise that is created by the commercial developments.
 - B. Other devices. Other screening devices may be necessary to protect adjacent property values depending on the development's problems and secondary impacts and should be evaluated by the Planning Commission on a case-by-case basis.
 - C. Vegetation. Generous use of vegetation should be encouraged to produce a natural atmosphere and create a subtle transition of land uses of varying intensities.
- (3) Landscape. Materials should be indigenous to the climate of Central Ohio and visually separate land uses of conflicting intensities. Visual interest and aesthetic enhancement of the development and its relationship to surrounding properties should be examined to ensure that the landscaping is appropriate for the development. Variety, size, spacing, color and the geographic orientation should be considered during the evaluation to determine the effect on the commercial site.
- (4) Building Materials. The visual impact of commercial structures and developments is an issue that requires local government to retain some control over the type and style of individual developments.
- A. Materials. Brick, stone, cement, decorative aluminum, wood, or other materials that will enhance the development in a positive manner and create visual interest and diversity should be encouraged.
 - B. Colors. Specific colors and color schemes should be designed to ensure universal harmony on all commercial developments.
 1. Quality. Durability and other structural considerations should be given to building materials to ensure that development is of high quality.

2. Aesthetics. Orientation of the development should focus on and compliment the surrounding topographic features and existing developments.
 - a. The Planning Commission should determine whether the proposed intensity of use and the visual appearance of this intensity is aesthetically pleasing.
 - b. Lighting devices should be decorative and enhance the commercial development, as well as adequately light the development.
 - c. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.
- (d) Manufacturing (DRD-4).
- (1) Parking. (Other than Chapter 1163 of the Codified Ordinances.)
 - A. Parking in manufacturing developments shall accommodate manufacturing employees and not degrade the appearance of the development and the general area.
 1. Distance. The maximum length from the parking area to the main manufacturing structure should not exceed 600 feet.
 - a. Adequate walkways and landscaped islands should be distributed throughout the manufacturing development. These should emphasize the use of perimeter and central landscape features and easily observe patterns of circulation.
 2. Lighting. The devices that illuminate the parking area of the manufacturing facility should be of decorative nature to ensure visual interest as well as compliance with lighting requirements. Metal halide lighting shall be encouraged.
 3. Access. To the manufacturing facility should be limited in number but well defined to all enroute traffic. Use of decorative directional signage should be utilized to minimize problems with vehicular traffic. Entrance and exit lanes should be separated by a median of twenty feet which should contain dense vegetation and trees.
 4. Location. The Planning Commission should be concerned with the location of the proposed parking area and the screening design that will minimize visual contact with the general public. Parking areas should be behind the manufacturing facility.
 - (2) Landscaping and Screening. Integration of natural screening elements should be used to maximize visual interest and foster a natural relationship between the development and the land. (See Chapter 1167 of the Codified Ordinances.)
 - A. Existing Landscaping. The use of large existing trees such as pines, oaks, and maples for landscaping and screening requirements is encouraged. These types of materials should also assist in defining the circulation pattern within the manufacturing development.

B. Aesthetics. Ponds, streams, or other waterways are encouraged in manufacturing developments to promote aesthetic qualities that otherwise may not be present in the development. Minimizing externalities such as noise, pollution, and refuse that are associated with manufacturing processes should be accomplished to preserve land values and to maintain the rural nature of the City's community. More aggressive measures may be required to protect the natural environment from manufacturing facilities. The piping of natural watercourses shall be discouraged.

(3) Building Materials. The relationship between the structure and the land is most often defined by the materials used in the development. In order to protect land values of adjoining parcels, explicit materials, colors, styles, etc. should be established to control development. However, since most of this development will occur in the industrial zone, a more liberal standard may be used to control development.

A. Bricks. The types and colors of bricks should be chosen to ensure a harmonious relationship between developments and the environment. Industrial type materials will need to be gathered for this purpose. Examples should be gathered from brick manufacturers and brick distributors in Central Ohio so there is a diverse range of materials for structural design.

B. Walls. Stone or cement walls that will enhance the design of the area will be encouraged in developments that have large structures.

C. Roofing. Roofing styles which encourage diversity by use of varying angles and peaks is one issue that should be addressed to provide an interesting aesthetic orientation to the development.

D. Windows and entryways. Large windows are encouraged in areas where manufacturing processes will allow them. Entryways into the office and reception areas should enhance the visual interest of the development as well as provide direction to visitor areas.

E. Screening. The screening of mechanics and/or equipment shall be in accordance with Chapter 1167 of the Codified Ordinances.

F. Signage. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.

(e) Planned Districts (DRD-5). Since the Planning Commission has control of the commercial developments in planned districts, the general commercial requirements outlined for DRD-3 will apply to most developments. However, the Commission may wish to concentrate on demanding more open space and buffer zones between differing land uses. These design attributes should be evaluated by the Commission on a case-by-case basis.

(f) Residential Districts with Future Conditional Uses (DRD-6).

(1) Parking. (Other than Chapter 1163 of the Codified Ordinances.)

A. Screening- Parking areas for conditional uses should be screened with dense vegetation to minimize visual externalities that may degrade the residential nature of the area. Internal landscaping should be determined on a case-by-case basis.

1. Traffic Patterns. Circulation patterns should be established by the use of directional arrows, vegetation, directional signs or other acceptable means.

2. Access. Sidewalks to the residential area from the conditional use should be established to incorporate the development into the neighborhood. The pedestrian access should include landscape on the site of development and add to the character of the development.
- (2) Landscape. Sufficient use of diverse vegetation should incorporate the existing topographic features and the existing residential neighborhood. Trees, shrubs and earth mounds are encouraged to add aesthetic value to the existing community's identity.
 - A. Preservation of existing natural element. Preserving mature foliage and other natural features of the site should be encouraged. Large trees and unique features will add intrinsic value to the development and community in general.
 - B. Aesthetics. Distance, color, and the general landscape orientation of the conditional use should focus primarily on the relationship of the neighborhood and residences. Diversity is encouraged provided that it does not degrade the residential area or environment. Vegetation that is indigenous to Central Ohio is encouraged.
- (3) Building Materials. Considering the close proximity of conditional uses in residential areas, it is important that the materials used in these types of developments conform to or at least compliment the surrounding community.
- (4) Signage. Signage shall be as low profile as possible and shall be in conformance with neighboring properties and/or uses.
(Ord. 990151. Passed 4-5-99.)

1197.10 VARIANCES REQUIRED.

(a) An application for a Certificate of Appropriateness in which the design under consideration would require a variance granted by the Planning Commission or City Council prior to construction shall not be considered until a final determination has been made on all required or requested variances under the procedures established in Chapter 1103 or 1131. If, during the course of a review, the Commission determines that a zoning variance will be required in order to implement the proposal under consideration, it shall suspend further action on the application until such time as the variance has been approved by the Planning Commission or City Council or the application has been amended to eliminate the need for the variance.

(b) The Planning Commission shall not have the authority or power to grant an exception to any section of the Ohio Basic Building Code during the course of any review conducted under the provisions of this chapter.
(Ord. 0090-2000. Passed 5-15-00.)

1197.11 ACTION ON APPLICATIONS TO BE RECORDED.

The Planning Commission shall maintain a record of all applications for a Certificate of Appropriateness including all action taken on each application.
(Ord. 141-97. Passed 7-1-97.)

1197.12 APPEAL OF DENIED APPLICATIONS.

In the event an application for a Certificate of Appropriateness is denied by the Planning Commission, the applicant may, within twenty calendar days of date of denial, file a written appeal with the Clerk of Council. Such appeal shall be heard by the Board of Zoning and Building Appeals as prescribed under Section 12.05 of the Charter.

(Ord. 990151. Passed 4-5-99.)

1197.99 PENALTY.

Any person, firm, partnership, corporation, or syndicate in violation of this chapter or failing to obey any lawful order of the Zoning Administrator issued in pursuance thereof may be fined not more than fifty dollars (\$50.00). Each day the violation continues or occurs may be considered a separate and new offense.

(Ord. 141-97. Passed 7-1-97.)

**CHAPTER 1303
Residential Building Code**

1303.01 Adoption of One, Two and Three Family Dwelling Code.

1303.02 Amendments to Code.

CROSS REFERENCES

Division of Building Regulation - see BLDG. Ch. 1305
 Permit fees - see BLDG. Ch. 1312
 Local construction provisions - see BLDG. Ch. 1317
 Storage buildings and sheds - see BLDG. Ch. 1329
 Satellite earth stations - see BLDG. Ch. 1331

1303.01 ADOPTION OF ONE, TWO AND THREE FAMILY DWELLING CODE.

Pursuant to Section 4.16 of the Charter of the City of Gahanna, there is adopted, for the purpose of establishing rules and regulations for the construction, alteration, repair, and maintenance of detached one, two and three family dwellings not more than three stories in height, and their accessory structures the 1999 edition of the Ohio Residential Code for One, Two and Three Family Dwellings, except such portions as are hereinafter deleted, modified or amended. Copies of such Code shall be kept on file with the Clerk of Council for inspection by the public. (Ord. 0040-2002. Passed 3-4-02.)

1303.02 AMENDMENTS TO CODE.

The following sections of the CABO One and Two Family Dwelling Code are amended for this Building Code as follows:

- (a) Title - Section R-101 entitled "Title" in Chapter 1 shall be amended, and as amended, shall read:
 Section R-101 - Title
 These provisions shall be known as the "One, Two and Three Family Dwelling Code", may be cited as such, and will be referred to herein as "this Code".
- (b) Scope - Section R-103 entitled "Scope" in Chapter 1 shall be amended, and as amended, shall read:
 Section R-103 - Scope
 The provisions of this Code apply to the construction, alteration, repair and maintenance of detached one, two and three-family dwellings not more than three stories in height, and their accessory structures.
 Compliance with the requirements of this Code shall be considered as prima-facie evidence of compliance with this Building Code.

(c) Entry - Section R-105 entitled "Entry" shall be amended, and as amended, shall read: Section R-105 - Right of Entry and Inspection

- (a) The Building Inspector and the Fire Chief or any of their authorized designees may, at any reasonable hour, enter any dwelling, building, structure or premises within the City to perform any duty imposed on them by this Building Code, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary.
- (b) No person shall refuse to permit such emergency entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection.

(d) Sections R-106.1 and R-106.2 which are entitled respectively, "Unlawful Action" and "Violation" shall be deleted and shall be amended to read:

R-106.1 - Violations Generally

- (a) No person shall violate any provisions of this Building Code, or any Code adopted therein or any rule or regulation promulgated thereunder, or fail to comply therewith or with any order issued thereunder, or cause or permit the same to be done.
- (b) No person shall fail or neglect promptly to notify the Building Inspector that work under a permit issued pursuant to the provisions of this Building Code has been begun;
- (c) No person shall perform any work or install any appliance, device or equipment without first obtaining the permit required therefor under this Building Code nor refuse, neglect or fail to obtain any permit required under this Building Code for the storage, use or handling of a hazardous substance; nor block, wedge or otherwise hold in an open position any self-closing door required under this Building Code to be maintained in a normally closed position.
- (d) No person shall perpetrate a fraud or misrepresent a material fact by reason of which any permit or approval required under this Building Code is obtained; nor pursue any trade or business or perform any work or service for which a license, certificate of registration or certificate of qualification is required under this Building Code without possessing such license or certificate.
- (e) No person shall refuse, neglect or fail to comply with any stop work order issued under the provisions of this Building Code; nor refuse, neglect or fail to comply with a notice to repair, rehabilitate or demolish a building or other structure declared to be unsafe under the provisions of this Building Code; nor refuse, neglect or fail to comply with a notice requiring the abatement or removal of a violation or requiring compliance with any provision of this Building Code or any rule or regulation thereunder within the time limit set forth in such notice; nor maintain a use or occupancy prohibited by this Building Code; nor refuse, neglect or fail to maintain stair enclosures, stairways, fire escapes, exit passageways or other required means of egress in a safe and usable condition as required by this Building Code.