



Village Council Regular Meeting

October 08, 2026 at 7:00 PM
2829 Minerva Lake Rd.

Agenda

Roll Call/Vote to Excuse any Absent Member

Pledge of Allegiance

Executive Session

1. MOTION TO ENTER INTO EXECUTIVE SESSION

MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO OHIO REVISED CODE SECTION 121.22 (G)(1), TO CONSIDER THE APPOINTMENT OF A PUBLIC EMPLOYEE.

Minutes

2. MOTION TO APPROVE 9/24/27 Committee as a Whole Minutes

3. MOTION TO APPROVE 9/24/26 Council Meeting Minutes

4. MOTION TO APPROVE 9/27/26 Council Work/Strategy Session Minutes

5. MOTION TO APPROVE 10/1/26 Council Work Session Minutes

Village Official Reports

6. Police - Chief Matt Delp

7. Fiscal Officer - Jeffrey Wilcheck

8. Engineer - Mike Flickinger

9. Legal - Jesse Shamp

10. Village Planning - Eric Fischer

11. Zoning Officer - John Canty

12. Planning & Zoning - Tommy Grant

13. MPCA - Jason Camara

Committee as a Whole Report

14. Finance - Tony Pinter Safety - Cathy Paessun Legislation - Tommy Grant

15. Other Committee Business

Mayor's Report

Citizen Comments

Legislation

16. MOTION TO APPROVE ORDINANCE 2026-13

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC OFFENSES MINERVA PARK VILLAGE CODE SECTIONS 402.01, 414.02, 414.03, 414.04, 414.09, 414.10, 416.01, 416.03, 416.11, 416.12, 432.16, 432.22, 432.32, 432.33, 432.34, 432.35, 432.36, 434.01, 434.03, 434.04, 434.10, 434.11, 436.04, 436.071, 436.074, 436.09, 436.14, 438.24, 438.26, 438.29, 440.08, 442.01, 452.03, 452.05, 452.06; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (3rd reading)

17. MOTION TO APPROVE ORDINANCE 2026-14

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES MINERVA PARK VILLAGE CODE SECTIONS 606.06, 608.01, 608.04, 608.06, 608.12, 608.16, 624.01, 624.02, 624.03, 624.04, 624.06, 624.07, 624.08, 624.15, 630.01, 636.06, 636.14, 636.21, 642.01, 642.12, 666.01, 666.03, 666.24, 672.01, 672.02, 672.22, 678.14, 698.03; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (3rd reading)

18. ORDINANCE 2026-15 Bonus

AN ORDINANCE AUTHORIZING A ONE -TIME BONUS TO ALL VILLAGE EMPLOYEES IN RECOGNIZION OF SERVICE. (2nd reading)

19. ORDINANCE 2026-16 Police Compensation

AN ORDINANCE SETTING THE WAGE AND SALARY RANGES AND THE NUMBER OF EMPLOYEES AND POSITIONS OF THE POLICE DEPARTMENT FOR THE VILLAGE OF MINERVA PARK (1st reading)

20. MOTION TO SUSPEND THE RULES REQUIRING 3 READINGS for ORDINANCE 2026-17

21. MOTION TO APPROVE ORDINANCE 2026-17 Supplemental Appropriations

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2026 (1st reading - intent to suspend the rules requiring 3 readings)

22. MOTION TO SUSPEND THE RULES REQUIRING 3 READINGS for ORDINANCE 2026-18

23. ORDINANCE 2026-18 Employee Handbook Revisions

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE EMPLOYEE HANDBOOK AND DECLARING AN EMERGENCY (1st reading - intent to suspend the rules requiring 3 readings)

24. RESOLUTION 2026-19 TIRC Recommendations

A RESOLUTION ACCEPTING, APPROVING, AND RATIFYING THE SUBMITTED RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCILS, AND DECLARING AN EMERGENCY. (2nd reading)

25. RESOLUTION 2026-21 Annual Contracts

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO VARIOUS RECURRING CONTRACTS NECESSARY FOR THE CONTINUOUS OPERATION OF THE VILLAGE (1st reading)

26. RESOLUTION 2026-22 Snow Removal-Blendon Township

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BLENDON TOWNSHIP TO PROVIDE SNOW REMOVAL SERVICES FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY (1st reading - intent to pass as an emergency upon 3rd reading)

27. RESOLUTION 2026-23 Accepting Amounts and Rates

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES, CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY (1st reading - intent to suspend the rules requiring 3 readings and pass as an emergency upon the 2nd reading)

Old Business

New Business

Adjourn

Executive Summary: Committee as a Whole Meeting — September 24, 2026

In Attendance: Councilpersons Camara, Grant, Koss, Martin, Paessun, Pinter; Mayor Southard, Chief Delp

1. Streets, Drainage, and Stormwater

A significant portion of the meeting focused on drainage, stormwater infrastructure, maintenance, and recurring flooding/sediment issues.

Detention basin and Wildwood concerns

Officials discussed a detention basin that appears to have been designed to function without significant foliage. The basin currently has substantial tree growth, which was identified as potentially affecting both drainage capacity and its ability to retain water during major rain events. The group is working with the property owner and has contacted a high-level City of Columbus enforcement contact. Existing easement documents reportedly establish a permanent Columbus easement for maintenance.

A gravel driveway on Wildwood was also identified as a potential concern because stormwater could carry sediment from the driveway into the Village's sewer system, increasing the possibility of blockages and additional maintenance/scoping costs.

Preventive sewer maintenance

The group discussed several possible preventive measures, including:

- Installing mesh or grate-type covers over sewer inlets during leaf and acorn season.
- Exploring street-cleaning approaches that collect debris rather than pushing it toward gutters and storm sewers.
- Increasing preventive maintenance during periods when the maintenance department may have additional capacity.
- Investigating recurring sediment entering the Park Lane Court area from runoff behind Jordan.
- Observing water movement from Wildwood through backyards toward Park Lane during heavy rain.

The discussion emphasized prevention as a potential way to reduce recurring sewer-cleaning expenses.

Park Lane flooding and emergency cleaning

An emergency cleaning of Park Lane was authorized/discussed because of sediment accumulation and flooding concerns. The estimated cost was not expected to exceed **\$11,000**. The transcript notes that the work had been delayed because of an emergency affecting the contractor and that the larger street project was expected to be completed within approximately three or four weeks.

2. Cul-de-Sac / Traffic Circle Removal

The committee discussed removal of a traffic circle/central feature because the area is now apparently under ODOT jurisdiction and the existing configuration does not provide sufficient room for vehicles to maneuver.

Additional concerns included:

- Emergency-vehicle access.
- Trash and delivery trucks damaging curbs.
- Maintenance difficulties.
- Sewer infrastructure beneath some of the existing landscaped areas.
- Difficulty accessing sewer infrastructure when trees or other landscaping are located above it.

Several alternatives were discussed, including replacing the existing feature with a smaller concrete structure, planter, or other design that would preserve some visual character while improving vehicle maneuverability. No final design decision is reflected in the transcript.

3. Leaf Collection and Landscaping Services

The Village has selected **GroundMaster Landscaping** for a new three-year landscaping contract. The transcript gives the following amounts:

- **2026:** \$35,000
- **2027:** \$36,000
- **2028:** \$37,000

The contract was still awaiting final execution at the time of the meeting. Once completed, the Village planned to publish the scheduled pickup information for residents.

The committee also discussed difficulties with scheduled service providers occasionally canceling or failing to appear. Possible explanations discussed included staffing, health issues, and operating costs, but no definitive cause was established.

4. Recreation and Parks

The pool season had concluded, and officials planned to schedule an October Parks and Recreation meeting.

Topics identified for that meeting included:

- Pool concessions for the following season.
- Pricing for next year's operations.
- The pool building.
- Site maintenance and mowing.
- Future landscaping needs.

The pool building was subsequently incorporated into the broader project discussion later in the meeting.

5. Manhole Covers and Emergency Infrastructure

The Village has experienced problems with manhole covers in the roadway. Approximately **11 locations** had been identified for attention, with some grates reportedly moving and creating safety hazards. Emergency repairs had already been required.

TJ Excavating was scheduled to meet with Village officials on **September 30** to discuss repair options and pricing. The committee also wanted the contractor to address potential covers or protective measures for sewer openings with unusually large gaps.

Officials discussed purchasing heavy steel plates that could be kept on hand to temporarily cover dangerous sewer openings rather than waiting 24–72 hours for an outside vendor to respond.

There was also discussion of whether replacement manhole covers could eventually be customized with the Village's name. The matter was framed as something to investigate rather than a decision to proceed.

6. Salt and Snow Removal

Blendon Township is increasing the Village's cost for salt services. The increase discussed was **\$1,800**, raising the amount specified in the Village's current legislation from **\$20,000 to \$21,800**.

The updated legislation was expected to come before Council at the next meeting after review of the language.

The Mayor and Police Chief both indicated that, based on their experience, Blendon Township's snow-plowing and salting response has been effective. Particular attention was noted for Minerva Lake Road, where conditions can become hazardous.

7. Upcoming Street Project

An upcoming street project was discussed with an estimated start date of **October 5–14**, subject to weather and potentially shifting by approximately one week.

Key points included:

- A pre-construction meeting was expected to occur the following week or shortly thereafter.
- Residents would receive information regarding access and vehicle movement.
- The affected intersection was expected to reopen during non-working hours.
- Closures would occur while construction crews were actively working.
- Village officials intended to keep residents informed as the schedule became more definite.

The committee requested that a representative attend the pre-construction meeting if possible or that a summary be circulated afterward.

8. Pavement Markings and Traffic Safety

The committee discussed a proposal involving additional pavement markings near an intersection, including potential double-yellow lines, stop bars, and pavement markings such as “**SLOW.**”

Members expressed a desire to understand exactly how the proposed markings would look and function before committing funds. Concerns included:

- Whether markings could confuse drivers.
- How drivers approaching from different directions would interpret the markings.
- Whether the proposal would improve or inadvertently complicate traffic flow.
- Whether the proposed paint was sufficiently durable.
- The need to see a visual representation before implementation.

A temporary chalk or other visual representation was suggested as a way to evaluate the proposed configuration before making it permanent.

9. Pool Building / Capital Project Timeline

The meeting included an update on legislation and the timeline for a project involving the pool building.

The stated schedule, assuming approval of the necessary legislation, was:

Milestone	Target
Begin procurement process	Currently underway
Go out to bid	Week of October 19
Bids due	November 9
Construction	Approximately six months, subject to bidder schedules

The transcript notes that the six-month construction period would need to be evaluated against the schedules submitted by bidders. The timing is important because the Village cannot open the pool without the necessary building/bathroom facilities.

The amount referenced for the project was **\$94,260**, compared with an earlier expectation of approximately \$90,000. Officials also discussed ensuring that the final project scope reflects the modifications previously discussed, including widening the project.

10. Police Presence and Resident Concerns

Near the conclusion of the meeting, a resident concern regarding police presence was raised. Officials noted that increased police patrols had subsequently been observed throughout the Village.

The discussion specifically acknowledged patrol activity beyond Cleveland Avenue and expressed appreciation for visible police presence. Chief Delp was present for this portion of the meeting.

Overall Meeting Focus

The meeting was primarily operational and planning-oriented. The most substantial areas of discussion were **stormwater/sewer maintenance, upcoming street work, landscaping and seasonal services, snow-and-salt service costs, traffic-safety improvements, and planning for the pool-building project**. Several items remained in the information-gathering or pricing stage rather than being finalized during this meeting.

Jeffrey Wilcheck, Fiscal Officer

Tiffany Southard, Mayor

Minutes: Village Council Regular Meeting September 24, 2026

In Attendance: Councilpersons Camara, Martin, Koss, Paessun, Pinter & Grant; Mayor Southard, Chief Delp & Planner Fischer

1. Executive Session

Motion to enter executive session pursuant to **Ohio Revised Code Section 121.22(G)(1)** to consider the appointment of a public employee made by Camara; 2nd by Paessun

Aye: Camara, Martin, Koss, Grant, Paessun, Pinter

Council subsequently returned to regular session at **7:28 p.m.**

2. Columbus Recreation and Parks — Minerva Lake Road Crossing

The principal presentation concerned proposed improvements to the **Minerva Lake Road crossing**. Kelly Messer, a project manager with the City of Columbus Recreation and Parks, presented the proposed scope of services.

Proposed improvements

Columbus Recreation and Parks reported that the design approach had been modified from earlier concepts. Rather than extending the curb to narrow the roadway, the current proposal would:

- Maintain the existing roadway width.
- Install a **raised crosswalk** intended to slow vehicle traffic.
- Replace the existing sidewalk.
- Add lighting at the intersection.
- Add trail markings.
- Add signage.
- Improve the pedestrian/trail connection.

At this stage, Columbus was seeking Village feedback and a recommendation to proceed with the scope rather than formal permit approval. A formal permit would return to the Village at a later stage as the project approaches construction.

Council discussion and safety concerns

Council members discussed the height and design of the raised crosswalk, noting that the final dimensions would depend on roadway conditions/engineering considerations. The posted speed limit was identified as **25 mph**.

Several comments focused on pedestrian and cyclist safety, particularly because of concerns about motorists traveling quickly through the area and the potential for increased risk during nighttime events such as Halloween.

The Police Chief expressed support for additional traffic-control measures. Discussion included the possibility of **flashing/activated pedestrian signage** rather than relying solely on a raised crosswalk and conventional signage.

Columbus representatives indicated that the current concept did not include a rapid-flashing beacon because of the roadway's traffic and speed characteristics. Council nevertheless requested that additional safety measures be considered.

Additional lighting was also discussed. Columbus confirmed that lighting was proposed at the intersection, although the specific controls—including whether lighting could become brighter when pedestrians are present—had not yet been determined.

Additional design questions

Council asked about:

- The raised sidewalk area and its relationship to the existing grade.
- The nearby driveway and sidewalk connection.
- The width of the trail/crossing.
- Sign placement.
- Whether a safety zone or additional median feature was contemplated.

Columbus indicated that more detailed engineering plans would be developed and brought back as the project progresses.

Key takeaway: Council generally expressed support for the proposed crossing improvements while emphasizing that pedestrian safety, lighting, and visible/activated warning measures should receive particular attention.

3. Approval of Prior Meeting Minutes

Council considered the following minutes:

September 10, 2026 Committee as a Whole Minutes

Motion to approve 9/10/26 Committee as a Whole minutes made by Grant; 2nd by Pinter

The motion passed, with abstentions by Camara & Koss

September 10, 2026 Council Meeting Minutes

Motion to approve 9/10/26 Council Meeting minutes made by Pinter; 2nd by Grant

The motion passed, with abstention Koss

4. Committee as a Whole Report

Streets — Councilperson Koss

The Streets report focused on a **detention basin north of Jordan Road** that reportedly has not been maintained appropriately.

Council has been working with:

- The City of Columbus
- The owner of Northland Plaza
- Code enforcement
- Other contacts involved with the property

The property owner reportedly made written commitments to address the problem, but the Village had not observed the promised corrective work.

Council expressed concern that standing water could become a **mosquito-breeding area and potential public-health concern**.

The Village indicated that it is continuing to document the issue and communicate with Columbus and the property owner until the matter is addressed.

Services — Councilperson Martin

The Village selected **GroundMaster Landscaping** for a three-year fall landscaping/leaf-collection contract.

A specific service date was discussed but had not yet been confirmed at the meeting.

Residents were reminded to:

- Keep sticks and rocks away from leaf piles.
- Avoid parking in areas where leaf collection equipment needs access.
- Keep leaves and acorns out of storm sewers.
- Remove accumulated debris from sewer areas to help prevent flooding.

These maintenance reminders were emphasized as important to protecting drainage and preventing impacts to private property.

Recreation & Parks — Council President Camara

Council reported that the pool season had concluded.

Upcoming Recreation & Parks work includes:

- A meeting to begin discussing **pool fees for the following year**.
- Solicitation of landscaping bids for flower beds and related community services.
- Continued planning for a **new pool house**.

If additional funding for the pool house was approved, plans were expected to be ready around mid-month for bidding. The goal discussed was to obtain bids by approximately the second week of November, approve the project, and complete construction in time for the following spring season.

5. Citizen Comments

Tony Benedetti of Berry Lane Ct. raised concerns regarding the Village's approach to maintenance and advocated for establishing a dedicated **maintenance position or department**.

The resident cited:

- Catch-basin maintenance.
- Vegetation and drainage problems.
- Deteriorated curbs and gutters.
- The need for street cleaning.
- The absence of a formal maintenance program.
- The potential for a dedicated maintenance employee to address smaller problems more quickly.

He also referenced prior examples of residents and Village officials performing maintenance work themselves and suggested that a formal maintenance program could establish routine schedules and responsibilities.

A response from the Village indicated that staff had consulted with multiple engineers and the City of Columbus regarding the catch-basin issue and that the assessment had been reviewed by engineering professionals before proceeding.

Diane Schrimpf of Minerva Lake Rd. raised several topics, including:

- Drainage/sewer maintenance.
- The possibility of broader, coordinated work rather than addressing individual locations piecemeal.
- Appreciation for the Village's snow-plowing and salting operations.
- Green-space improvements.

She also discussed two dead trees near the large **Minerva Park sign at Fairview Drive** and proposed removing and replacing them. The resident offered to provide photographs and pricing information for potential replacement trees.

6. Legislation

Ordinance 2026-13 — Traffic Ordinances

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC OFFENSES MINERVA PARK VILLAGE CODE SECTIONS 402.01, 414.02, 414.03, 414.04, 414.09, 414.10, 416.01, 416.03, 416.11, 416.12, 432.16, 432.22, 432.32, 432.33, 432.34, 432.35, 432.36, 434.01, 434.03, 434.04, 434.10, 434.11, 436.04, 436.071, 436.074, 436.09, 436.14, 438.24, 438.26, 438.29, 440.08, 442.01, 452.03, 452.05, 452.06; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (2nd reading)

Ordinance 2026-14 — General Ordinances

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES MINERVA PARK VILLAGE CODE SECTIONS 606.06, 608.01, 608.04, 608.06, 608.12, 608.16, 624.01, 624.02, 624.03, 624.04, 624.06, 624.07, 624.08, 624.15, 630.01, 636.06, 636.14, 636.21, 642.01, 642.12, 666.01, 666.03, 666.24, 672.01, 672.02, 672.22, 678.14, 698.03; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (2nd reading)

Ordinance 2026-15 — One-Time Employee Bonus

AN ORDINANCE AUTHORIZING A ONE -TIME BONUS TO ALL VILLAGE EMPLOYEES IN RECOGNIZION OF SERVICE (1st reading)

Resolution 2026-18 — Pool House Project Contract Amendment

A RESOLUTION TO AMEND THE CONTRACT FOR THE POOL HOUSE PROJECT AND DECLARING IT AN EMERGENCY (1st reading – intent to suspend the rules requiring 3 readings and pass as an emergency)

Motion to suspend the rules requiring 3 readings for Res 2026-18 made by Koss; 2nd by Camara

Ayes: Pinter, Koss, Camara, Paessun, Martin, Grant

Motion to approve Resolution 2026-18 as an emergency made by Pinter; 2nd by Camara

Ayes: Camara, Martin, Paessun, Koss, Pinter, Grant

Resolution 2026-19 — Tax Incentive Review Council Recommendations

A RESOLUTION ACCEPTING, APPROVING, AND RATIFYING THE
SUBMITTED RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW
COUNCILS, AND DECLARING AN EMERGENCY (1st reading)

8. New Business

Council reported that a Finance Committee meeting had been held during the preceding week. The Finance Committee is beginning preparations for the Village's overall budget, with future meetings scheduled for October 13 & 27 @ 8AM/

Upcoming Legislative and Planning Work

Council discussed the likelihood of additional legislation before the end of the year and the potential scheduling of a **Legislative Committee meeting**, likely around October.

Council members were reminded to ensure that **Barb receives notice of scheduled meetings** so required public postings and calendar updates can be completed.

The meeting also referenced a **September 27 council work session concerning strategic planning**.

Takeaways

The September 24 meeting centered on **public infrastructure, pedestrian safety, municipal maintenance, recreation facilities, and year-end legislative/budget preparation**.

The most substantive project discussion concerned the proposed **Minerva Lake Road crossing**, where Columbus Recreation and Parks presented a revised design featuring a raised crosswalk, sidewalk replacement, lighting, trail markings, and signage. Council members generally supported continued development but emphasized the need for strong pedestrian-safety measures, including adequate lighting and consideration of flashing or activated warning devices.

Infrastructure maintenance was another recurring theme.

Council continued to monitor the detention basin north of Jordan Road, while citizen comments highlighted broader concerns about catch basins, curbs, gutters, drainage, and the potential value of a dedicated Village maintenance program.

Recreation planning is moving into the off-season, with discussions beginning regarding **next year's pool fees, landscaping services, and the proposed pool house project**.

On legislation, Council advanced multiple ordinances and resolutions, including traffic and general-ordinance updates, a proposed employee bonus, the Whole House project contract

amendment, and Tax Incentive Review Council recommendations. **Resolution 2026-18 was approved by emergency after Council suspended the normal reading requirements.** Finally, Council is entering a period of increased **budget and legislative activity**, with multiple Finance Committee meetings anticipated over the coming weeks and additional legislation expected before year-end.

Jeffrey Wilcheck, Fiscal Officer

Tiffany Southard, Mayor

Executive Summary Council Work Session / Strategic Planning Session

Sunday, September 27, 2026

1. In Attendance: Councilpersons Koss, Paessun, Pinter, Grant & Martin

2. Executive Overview

The September 27 strategic planning session focused primarily on how to strengthen the Village's administrative capacity and establish a clearer organizational structure for the future. **The dominant issue was creation of a full-time Village Administrator/Manager position.**

Council members generally expressed support for moving forward with the concept independently of the Charter process. The discussion emphasized the need for a professional position capable of managing day-to-day municipal operations, infrastructure, public works, employees, vendors, engineering projects, maintenance, the pool, code enforcement coordination, and implementation of Council decisions.

A second major theme was the **relationship between the proposed administrator and the Charter Commission**. Council members generally expressed support for the Charter Commission's work but favored keeping the proposed Charter relatively simple and allowing operational issues to be addressed separately through ordinances, policies, or future Charter amendments. The group also discussed maintaining a living document of organizational problems and potential solutions so that issues could be addressed without attempting to place every operational matter into the Charter.

The session also addressed:

- The need for clearer assignment of responsibilities among Council, the Mayor, staff, contractors, and committees.
- The potential restructuring of the Village Planner function if an administrator is created.
- Qualifications, compensation, and recruitment strategy for a future administrator.
- Improving communication between Council and Planning & Zoning, particularly regarding Cleveland Avenue redevelopment.
- The importance of maintaining flexibility in future development while establishing clearer zoning parameters concerning building height, parking, traffic, and land use.
- Police staffing and 24-hour coverage, including the relationship between service expectations, staffing requirements, and long-term finances.
- Broader concerns about capital spending, future operating costs, and the Village's financial capacity.

Overall, the meeting moved the Council from a general discussion of organizational needs toward **specific preliminary action steps for establishing and recruiting a Village Administrator**.

3. Strategic Planning Direction

The meeting began with a discussion about whether Council should focus on:

1. What it wants to accomplish over the next year to year-and-a-quarter; or
2. Broader long-term planning and work backward from the desired future structure.

The Charter Commission was identified as one possible starting point because its work could address both near-term and long-term governmental structure. However, the Village Administrator issue quickly emerged as the most immediate organizational priority.

A recurring theme was that the Village needs to make meaningful institutional improvements while experienced Council members remain in office. During the meeting, members noted that **two Council members are expected to roll off in approximately one year**, creating additional urgency around completing important organizational work.

4. Charter Commission

General Council Position

The discussion reflected broad support for the Charter Commission and its ongoing work. Council members noted that the Commission brings an independent perspective and includes individuals with useful experience and differing viewpoints. There was particular appreciation for having perspectives that may not have been uniformly supportive of the Charter in the past.

The predominant position expressed during the discussion was that the Charter should remain **simple and focused** rather than becoming a comprehensive document containing every operational issue facing the Village.

The reasoning discussed included:

- Keeping the proposal understandable to residents.
- Avoiding unnecessary additions that could complicate the Charter.
- Establishing the basic governmental framework first.
- Addressing specific operational problems separately.
- Preserving the ability to amend the Charter later if recurring problems cannot otherwise be solved.

The transcript specifically describes the Charter as a potential foundation that could evolve as the Village identifies additional needs.

Council/Commission Liaison

Council discussed whether there should be a formal Council liaison to the Charter Commission.

At the time of the meeting, **there was no formal Council liaison**. Some Council members had nevertheless been following the Commission informally. There was also discussion about maintaining appropriate independence between Council and the Commission and avoiding the appearance that Council was directing the Commission's work.

The issue of a formal liaison was left for additional discussion at a future work session.

5. Village Administrator / Village Manager

Central Strategic Priority

The proposed Village Administrator/Manager position was the most extensively discussed subject of the meeting.

Council members generally agreed that the position should be pursued **separately from the Charter process**. The position could be created under the Village's existing governmental structure and would not need to wait for Charter approval.

The transcript indicates that an administrator position had previously been contemplated and that an **\$80,000–\$100,000 compensation concept had appeared in prior budgets**, but Council had never completed the legislation establishing the position or appropriated the funds specifically for it.

Why Council Sees a Need for the Position

The discussion identified a recurring lack of clear ownership for municipal responsibilities.

Examples included:

- Streets and street projects
- Infrastructure
- Engineering projects
- Capital projects
- Maintenance
- Landscaping
- Leaf collection
- Pool operations
- Drainage and lake management
- Vendor management
- Contract management
- Code enforcement coordination
- Employee supervision
- Implementation of Council decisions

Council members described situations in which responsibilities are informally distributed among staff, Council members, contractors, and others without clearly documented ownership.

The proposed administrator was therefore viewed as a professional operational manager who could provide continuity and accountability while allowing elected officials to focus more heavily on policy, oversight, and major decisions.

6. Proposed Responsibilities of the Administrator

The discussion envisioned a broad, full-time management position.

Potential responsibilities included:

Administration

- Day-to-day municipal administration
- Implementation and follow-up on Council decisions
- Administrative accountability
- Coordination among departments and personnel

Personnel

- Employee supervision
- Hiring and training
- Identifying staffing gaps
- Evaluating whether municipal functions are being adequately performed
- Potential involvement in hiring decisions, including police-related personnel

Public Works and Infrastructure

- Streets
- Sidewalks
- Maintenance
- Infrastructure
- Engineering coordination
- Capital projects
- Project schedules and milestones

Vendors and Contractors

- Vendor management
- Contract oversight
- Monitoring contractor performance
- Coordinating engineers and outside professionals

Village Operations

- Pool operations
- Landscaping
- Leaf collection
- Drainage/lake issues
- Code enforcement coordination

The goal discussed was not necessarily for the administrator to personally perform every technical function, but to ensure that each responsibility has a clearly identified owner and that projects and services are actively managed.

7. Organizational Structure and Checks & Balances

Council discussed the appropriate relationship between the Mayor, Council, and Administrator.

The discussion recognized that state law establishes certain responsibilities for the Mayor and that the administrator would operate within a structure involving both the Mayor and legislative authority.

Council emphasized the importance of establishing a **clear check-and-balance structure** rather than simply transferring all governmental authority to one individual.

The general concept discussed was:

- Administrator: professional day-to-day management and execution.
- Mayor: appropriate statutory and oversight responsibilities.
- Council: legislative authority, policy direction, budgetary oversight, and approval responsibilities.

The transcript also discusses a statutory framework under which Council would establish the administrator position by ordinance, the Mayor would appoint the administrator, and Council would approve the appointment. The transcript itself notes that these statutory provisions should be reviewed and confirmed as the legislation is drafted.

8. Timing for Establishing and Hiring the Administrator

Council expressed a desire to move quickly but also recognized that hiring a qualified professional could take several months.

The discussion produced the following preliminary timeline:

Milestone	Target Discussed
Develop/review job description	Immediate
Review example ordinance and statutory requirements	Immediate
Draft administrator ordinance	Approximately within one month
Further Council discussion	Next work session/Thursday
Job description available for recruitment	January
Recruitment/interview process	Potentially several months
Potential hiring window	As late as May
Overall hiring horizon	Up to approximately six months

Council specifically rejected the idea that simply passing an ordinance would be sufficient.

Members wanted an actual hiring timeline so that the position would move from authorization to recruitment and ultimately to a candidate.

9. Administrator Job Description and Candidate Profile

A preliminary job description had already been drafted as a working document using an AI tool.

The draft contemplated:

- Administrative management
- Financial management
- Personnel management
- Hiring/training
- Public works
- Streets
- Infrastructure
- Maintenance
- Project management
- Vendor/contract management
- General municipal operations

Council agreed that the draft should be treated as a **starting point rather than a finished document**.

Desired Candidate Characteristics

Council members expressed somewhat different priorities regarding education and experience.

Qualifications discussed included:

- Professional education/training
- Municipal or planning background
- Management experience
- Experience managing teams
- Project-management capability
- Infrastructure/public-works knowledge
- Financial literacy
- Vendor and contract management
- Professional contacts and municipal network
- Ability to coordinate engineers and contractors
- Ability to identify problems and bring forward potential solutions

There was no final agreement on a rigid education-versus-experience requirement. The discussion generally treated these characteristics as a **wish list** that would help guide recruitment while recognizing the realities of the Village's size and compensation level.

10. Compensation

Council discussed an initial compensation range of approximately **\$80,000–\$100,000**.

The transcript indicates that the range had been associated with prior research of comparable small municipalities. Council discussed using the range as a starting point and adjusting compensation based on the qualifications and competency of the eventual candidate rather than assuming every candidate would receive the same amount.

Council also recognized that compensation would affect the candidate pool because Minerva Park is a relatively small municipality with a limited revenue base.

Possible candidate pools discussed included:

- Experienced municipal professionals

- Candidates with professional degrees and some experience
- Individuals entering municipal management
- Retirees or semi-retired professionals with substantial governmental experience

11. Village Planner / Planning Function

The proposed administrator prompted an extended discussion about the Village Planner position.

Council considered whether an administrator could absorb some administrative functions currently performed by the planner while preserving planning and zoning responsibilities.

Several possibilities were discussed, including:

- Maintaining the existing planner function.
- Restructuring the planner's responsibilities.
- Contracting for specialized planning services when needed.
- Combining certain administrative functions with the administrator.
- Redirecting some existing planning-related expenditures toward the administrator compensation package.

Importantly, the transcript does **not establish a final decision to eliminate the Village Planner position**. Council recognized that existing ordinances and the exact separation between planning/zoning authority and administrative functions need further review. The issue was effectively tabled pending additional documentation.

12. Living Strategic Planning Document

One of the more significant organizational ideas discussed was creation of a **living document of problems, potential solutions, and strategic considerations**.

Rather than attempting to put every issue into the Charter immediately, Council could maintain a working list identifying:

- Current operational problems
- Potential solutions
- Problems that can be solved through ordinance or policy
- Issues that may ultimately require Charter changes
- Potential unintended consequences
- Items that have already been resolved

This approach would allow Council to continue identifying issues without prematurely embedding detailed operational provisions into the Charter.

13. Planning & Zoning — Cleveland Avenue Redevelopment

Council subsequently discussed communication with Planning & Zoning, focusing particularly on the **Cleveland Avenue redevelopment area**.

A Council member expressed concern that Council's direction may not have been communicated accurately to Planning & Zoning, resulting in a proposal that differed substantially from what some Council members believed they had requested.

The discussion identified a need for:

- Clearer Council-to-P&Z communication.
- Better alignment before P&Z invests substantial time developing a proposal.
- Clearer guidance concerning desired building height and land use.
- Maintaining flexibility for future development.
- Avoiding overly generic regulations that could permit development inconsistent with Council's future objectives.

Building height, residential uses, parking, traffic, neighborhood character, and infrastructure capacity were all discussed.

Some Council members expressed a preference for a lower-height development concept, including discussion of a **two-story limit**, while others emphasized preserving flexibility for future investment and growth. The transcript does not establish a final zoning decision.

Broader Planning Principle

The discussion reflected a tension between two objectives:

1. **Protecting the existing community** from development that could create parking, traffic, infrastructure, or neighborhood-character problems; and
2. **Maintaining enough flexibility** to allow appropriate redevelopment and investment.

The Council's discussion emphasized that future regulations should provide enough specificity to avoid unintended development outcomes while not unnecessarily eliminating future options.

14. Police Staffing, Service Levels, and Financial Considerations

The session also included a substantial discussion about police staffing and 24-hour coverage.

Different perspectives were expressed regarding:

- The staffing level necessary to provide continuous coverage.
- Whether the Village needs two officers on duty at all times.
- The potential use of part-time officers.
- Community relationships and continuity associated with full-time officers.
- How staffing compares with other municipalities.
- The relationship between police staffing and the services residents expect from the Village.

The discussion did not resolve the staffing question. Instead, a request was made for additional factual information concerning staffing requirements, scheduling, comparable municipalities, and the financial implications of various staffing models.

Financial Context

The police discussion also highlighted a broader strategic issue: **the relationship between desired service levels, capital projects, and long-term operating finances**.

The transcript references concern that major capital expenditures could affect future income-tax requirements and operating capacity. Council members indicated that financial

information needs to be considered in context when evaluating service levels and capital commitments.

This was presented as an issue requiring additional analysis rather than a final financial conclusion.

15. Major Areas of Consensus

Based on the transcript, the following themes appeared to have substantial support:

A. Continue supporting the Charter Commission

Council members generally expressed support for the Charter effort.

B. Keep the Charter relatively simple

The prevailing discussion favored establishing a basic framework rather than attempting to solve every operational issue through the Charter.

C. Pursue a Village Administrator independently of the Charter

Council generally supported moving forward with the administrator concept regardless of the eventual Charter outcome.

D. Establish clearer organizational accountability

Council repeatedly identified unclear ownership of municipal responsibilities as a significant operational problem.

E. Develop a formal ordinance and job description

The next practical step is to convert the administrator concept into draft legislation and a clearly defined position.

F. Begin the recruitment process early

The desired approach was to have a job description available around January, recognizing that the eventual hiring process could extend into the spring.

G. Improve communication with Planning & Zoning

Council identified the need for clearer communication and expectations before P&Z develops detailed redevelopment proposals.

16. Overall Strategic Implications

The meeting points toward a broader organizational shift in how the Village may operate. The recurring issue was not simply whether to create another position; it was whether the Village's existing structure provides sufficient **professional management, accountability, continuity, and operational capacity** for the responsibilities the Village has accumulated.

The proposed administrator is therefore being considered as a mechanism to:

- Separate day-to-day administration from elected-policy responsibilities.
- Create clearer accountability for employees and contractors.
- Provide continuity as elected officials change.
- Improve project and infrastructure management.
- Establish a central point of responsibility for municipal operations.

- Reduce the number of operational tasks informally falling to Council members.
- Improve coordination between staff, consultants, engineers, vendors, and committees.
- Provide a professional management structure capable of implementing Council's decisions.

At the same time, Council recognized that organizational restructuring needs to be accompanied by appropriate checks and balances, clear statutory authority, realistic compensation, and defined responsibilities.

18. Bottom Line

The September 27 session produced a relatively clear strategic direction even though many individual details remain unresolved.

The most significant outcome was the Council's movement toward establishing a full-time Village Administrator/Manager position outside of the Charter process. The immediate work is to develop the ordinance, refine the job description, determine the appropriate authority and reporting structure, establish compensation parameters, and begin preparing for recruitment.

The Charter Commission remains an important long-term structural initiative, but Council's discussion favored keeping the Charter relatively simple and addressing operational improvements independently where possible.

The session also identified **organizational accountability, Planning & Zoning communication, development standards, police staffing, and long-term financial sustainability** as additional strategic issues requiring continued attention.

The overall strategic approach emerging from the meeting can be summarized as:

Establish the basic governmental framework through the Charter, address immediate operational deficiencies through ordinances and management improvements, clearly assign responsibility for municipal functions, and maintain a living list of issues that can inform future policy or Charter amendments.

This approach is intended to allow the Village to make near-term improvements while preserving flexibility for longer-term organizational changes.

Jeffrey Wilcheck, Fiscal Officer

Tiffany Southard, Mayor

Executive Summary — October 1, 2026 Work Session

In Attendance: Councilpersons Camara, Koss, Martin, Paessun, Pinter; Attorney Shamp, Planner Fischer, and Fiscal Officer Wilcheck

The meeting focused primarily on the proposed **Village Administrator position**, the **FY2027 budget and longer-term financial outlook**, **zoning/economic development opportunities**, pending **legislation**, infrastructure projects, communications, and council compliance with open-meeting and attorney-client requirements.

1. Village Administrator Position

Council continued its discussion of establishing a Village Administrator position. The group agreed that a formal **job description needs to be developed**, beginning with statutory requirements and adding appropriate responsibilities permitted under state law. Once drafted, the description will be reviewed by the Village's consultant to ensure compliance with federal requirements.

The position was previously included in the FY2027 budget at approximately **\$100,000 in annual salary**, although council discussed whether that amount will be competitive.

Comparable city-manager positions in central Ohio were described as being in the \$150,000–\$200,000 range. Council discussed positioning the Village's approximately 40-hour-per-week role as potentially attractive to experienced municipal employees, including candidates from larger municipalities and potentially retired administrators.

Recruitment possibilities discussed included professional search firms, Indeed, the Ohio Municipal League newsletter, and other municipal-government publications. The group also discussed the possibility of attracting candidates with municipal management experience who may be seeking a smaller-community environment.

2. Administrator Authority and Relationship to Mayor/Council

The Village Attorney reviewed the statutory framework governing the position. Under the discussion of Ohio Revised Code, council creates the position, the mayor nominates/appoints the administrator subject to council majority approval, and statutory provisions establish the administrator's powers. The group also discussed the statutory residency provision and the proposed ordinance language addressing it.

Council discussed the administrator's relationship with the mayor and council, emphasizing that the position would operate across both legislative and executive functions. The mayor would retain statutory responsibility for the police department, while many personnel, finance, payroll, and administrative functions would fall within the administrator's responsibilities.

Removal provisions were also reviewed: the mayor may seek removal subject to council majority approval, while council has an independent removal mechanism requiring a three-quarters vote.

3. Existing Job Descriptions and Organizational Structure

Council identified a broader need to **modernize and standardize employee job descriptions**. Existing descriptions may date back to the 2010s and contain inconsistencies in duties and qualifications.

Particular attention was given to police-department positions, where council wants job descriptions to establish consistent progression of responsibilities from patrol officer through supervisory positions. The group also discussed documenting the responsibilities currently performed by Leah and other staff so that duties are clearly defined and organizational knowledge is not dependent upon individual employees.

The administrator position is expected to help with some HR and administrative functions but will not eliminate existing finance/payroll responsibilities.

4. Charter and Mayor's Role

Council discussed the proposed charter concurrently with the administrator initiative. The current charter draft reportedly retains the existing form of government and would default to the Revised Code where the charter is silent. The discussion indicated that the administrator position does **not necessarily need to be incorporated into the charter** and can exist independently.

The charter remains targeted for the **May 2027 ballot**, with material needing to proceed through council and to the appropriate board by **February 4**.

Council also discussed documenting expectations for the mayor, such as office hours or other best practices. The group recognized that such expectations may be advisory rather than enforceable because the mayor is separately elected.

5. Administrator Ordinance and Hiring Timeline

The group discussed moving the administrator ordinance forward through the normal three-reading process. The objective is to have an initial reading in October and move toward posting the position by late November or December, while allowing sufficient time to develop the job description and recruitment process.

The mayor would formally select/n nominate the candidate, subject to council approval.

Council members expressed interest in participating in interviews. The discussion indicated that the mayor could voluntarily involve council members or establish a collaborative process, although the statutory authority remains with the mayor subject to council approval.

6. Budget and Five-Year Financial Outlook

The Fiscal Officer reported that the immediate budget does not have a significant additional wish list, but emphasized the importance of looking **five years ahead**, particularly given major projects such as the pool house, pool, and road improvements.

Road funding was identified as a significant constraint. Local resources are limited, and available grant/loan opportunities are restricted. The Fiscal Officer expects to provide an initial five-year financial analysis at the **October 13 Finance Committee meeting**, with subsequent iterations as assumptions change.

The Fiscal Officer also reported concern regarding income-tax revenue. As of the October 1 advance representing September collections, annual revenue was approximately **0.8% below the prior-year level**, compared with approximately 8% positive growth earlier in the year. The decline was attributed primarily to individual payments, while withholdings and net profits were somewhat higher.

7. Cost-Savings Opportunities

Council requested that future financial discussions include potential **cost-saving measures**, particularly because the Village is simultaneously considering new expenditures such as the administrator position and pool-house work.

Potential savings discussed included:

- Converting certain entrance-area lighting to solar;
- Evaluating landscaping-related opportunities;
- Adjusting fountain operating schedules to reduce electricity consumption;
- Reviewing underutilized employee benefits;
- Continuing to examine other operating costs.

The group also discussed potential special-assessment/infrastructure funding mechanisms and their relationship to existing tools such as TIF districts, while recognizing statutory limitations and the potential need for voter approval.

8. Cleveland Avenue / Commercial Redevelopment

A substantial portion of the discussion focused on redevelopment along **Cleveland Avenue and adjoining commercial areas**.

Council discussed using **planned commercial districts** as a mechanism to provide greater control over future redevelopment while allowing the Village to negotiate development terms with individual developers. The approach would avoid automatically permitting a broad range of uses and instead allow proposals to come before council for consideration.

The discussion expanded beyond the immediate Cleveland Avenue parcel to potentially encompass a larger commercial corridor. Council expressed support for moving forward with legislation to establish the planned-district framework, with more detailed development standards to be addressed subsequently.

The group also discussed the existing care/rehabilitation facility and its legal nonconforming status. The Village Attorney indicated that the applicable discontinuance period should be verified against the Village's code because state law provides a default period.

9. Upcoming Legislation

Council reviewed pending legislation, including:

- Legislation aligning Village provisions with state code;
- Amendments to appropriations;

- The annual resolution accepting amounts and rates from the County Budget Commission;
- The employee bonus legislation;
- TIRC recommendations;
- Potential revisions to Council rules.

The annual amounts-and-rates resolution has an end-of-month deadline and may need to be passed on an accelerated schedule if necessary.

The employee bonus discussion clarified that the bonus remains subject to annual council approval. The group distinguished the bonus from "longevity" compensation because treating it as regular compensation could affect federal wage calculations.

10. North Court Infrastructure Project

Pre-construction activities for the **North Court project** were discussed, with construction anticipated to begin around **November 1** and substantial construction expected to take approximately one week to ten days, subject to weather and asphalt availability.

The project is currently expected to be paved by approximately **December 15**. Temporary water shutoffs will be necessary during connections, and residents will be notified.

Council emphasized the importance of proactive resident communication, drawing lessons from the Minerva Lake Road project. QR-code signage, direct mail, website information, and other communication tools were discussed. A dedicated webpage for project updates was suggested as a way to centralize information.

11. Village Communications

Council reviewed the Village's newer email communication system. Members expressed mixed reactions, particularly concerning emails appearing to originate from the police department, the need to click through to external content, and the possibility that frequent messages could reduce residents' attention to genuinely urgent notices.

The group discussed improving the format and making information easier to access directly from emails, while retaining text alerts for appropriate emergency communications.

12. Park Lane Court / Northland Plaza

Council requested that a **formal written notice** be sent to the owner of Northland Plaza concerning the condition of the retention basin associated with the Park Lane Court matter.

The purpose is to formally document the Village's notification and establish a written record of the issue.

13. Open Meetings and Confidentiality

The meeting concluded with a reminder regarding Ohio open-meeting requirements and attorney-client confidentiality.

Council members were cautioned about:

- Conversations involving three or more council members and Village business;

- Leaving recording equipment running after meetings;
- "Round-robin" conversations in which members communicate separately but collectively discuss Village business;
- Discussing matters outside an executive session that are subject to attorney-client privilege or confidentiality.

The discussion emphasized the importance of protecting the Village and council members by keeping confidential matters within the appropriate meetings and avoiding inadvertent public-meeting situations.

Overall: The work session established several concrete next steps, particularly around creating the Village Administrator position, strengthening the Village's organizational documentation, developing a longer-term financial plan, advancing commercial redevelopment/zoning work, and preparing for upcoming infrastructure and legislative deadlines. The transcript reflects substantial discussion and preliminary consensus, but several matters remain subject to formal legislation, legal review, additional financial analysis, or future council action.

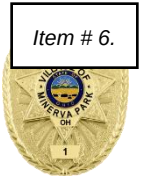
Jeffrey Wilcheck, Fiscal Officer

Tiffany Southard, Mayor



DIVISION OF POLICE

VILLAGE OF MINERVA PARK



Chief Matt Delp

Monday, October 5, 2026

TO: Mayor, Council

FR: Chief Matt Delp

RE: **Chief's Report for September 2026**

Madam Mayor and Members of Council,

On Tuesday, September 8, 2026, the village hosted its annual First Responders Night at Minerva Park Middle School. The event brought together representatives from 13 law enforcement agencies and featured a flyover by the Columbus Police helicopter. Attendees also had the opportunity to meet two therapy dogs and a police K-9. An estimated 300 to 400 community members attended, making the event a tremendous success.

Officer Hayden Walpole joined the Minerva Park Police Department on September 1. Since then, he has adapted exceptionally well to the Village and demonstrated extensive knowledge and experience in law enforcement. With the successful completion of his Field Training Officer (FTO) program, the Police Department will return to a 10-hour shift schedule.

There is nothing further to report for the month of September.

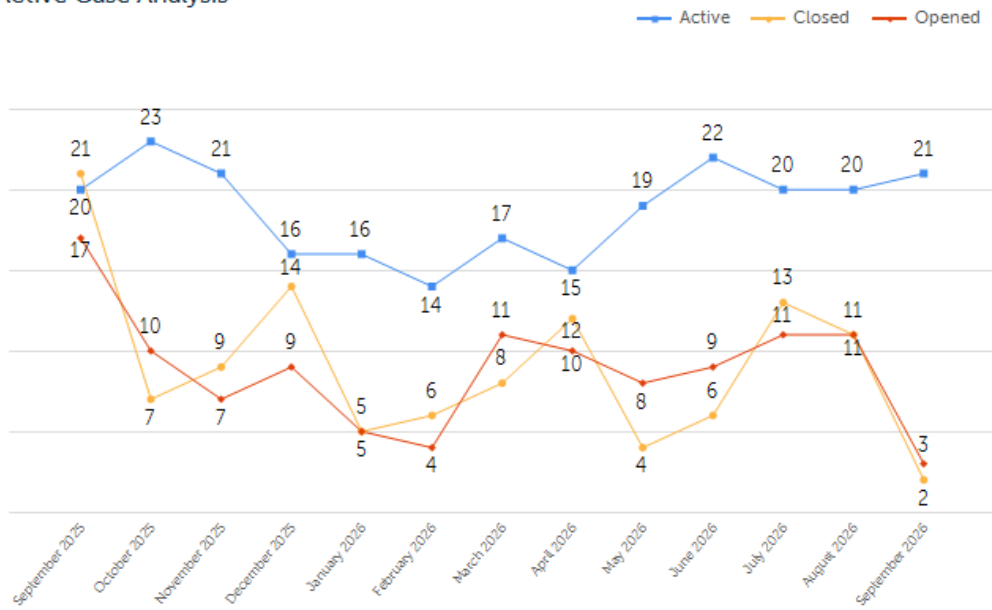
The following pages contain the vital statistics for police activity.

	SEP 2026	Previous Year	Difference
Traffic Stops	80	67	13
Citations Issued	48	21	27
Police Reports	3	17	-14
Active Cases	21	21	-
Calls for Service	288	304	-16

CRIME REPORTS

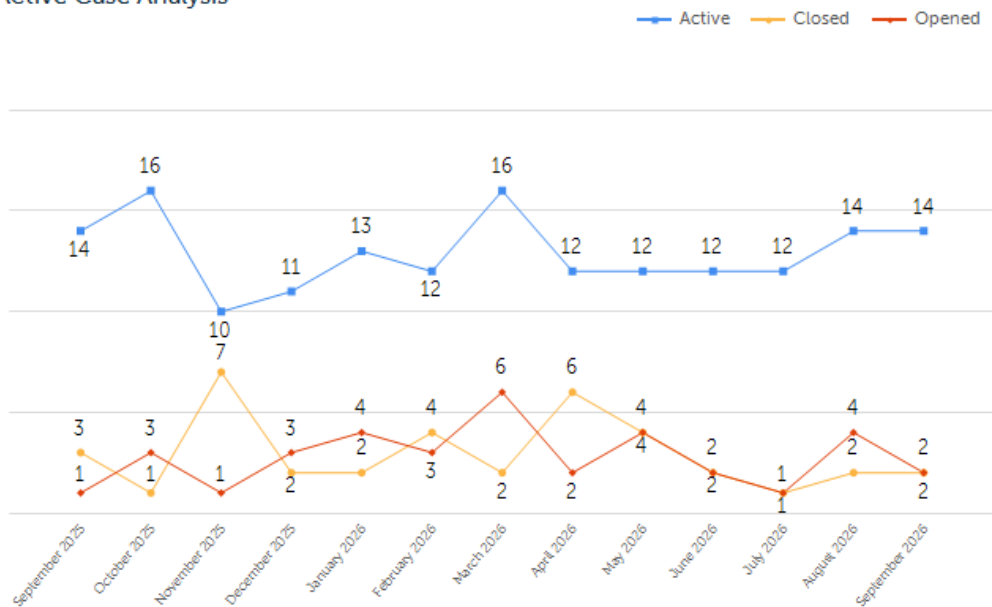
Item # 6.

Active Case Analysis



TRAFFIC STOPS

Active Case Analysis



Case Subtype	Cases	%
Burglary	1	12.50 %
Larceny/Theft	2	25.00 %
Miscellaneous	1	12.50 %
Traffic Stop	1	12.50 %
Unspecified	2	25.00 %
Vehicle Crash	1	12.50 %
Total	8	100.00 %

9/30/2025 - 9/30/2026				
Subtype	Active at Start	Opened Cases	Closed Cases	Active at End
Assault	1	4	4	1
Breaking and Entering	0	0	0	0
Burglary	0	4	3	1
Complaint	10	30	34	6
Counterfeiting/Forgery	0	0	0	0
Destruction/Damage/Vandalism	1	1	2	0
DOA - Unknown	0	1	1	0
DOA-Suicide	0	0	0	0
Domestic Violence	0	7	7	0
Extortion/Blackmail	0	0	0	0
Hit Skip	0	0	0	0
Larceny/Theft	6	29	26	9
Menacing	0	1	1	0
Miscellaneous	0	2	1	1
Motor Vehicle Theft	0	0	0	0
Person in Jeopardy	0	3	3	0
Pornography / Obscene Material	0	0	0	0
Property Damage	0	0	0	0
Property Impound	0	4	4	0
Property in Jeopardy	0	0	0	0
Protection Order	0	1	0	1
Rape	0	1	1	0
Request for Assistance	0	1	1	0
Robbery	0	0	0	0
Sexual Assault	1	0	0	1
Shooting	0	0	0	0
Traffic Stop	0	0	0	0
Unspecified Call	0	9	9	0
Warrant	1	0	0	1
Total	20	98	97	21

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Subject	Project Updates for Council	Project Name	Village Engineering Services
Attention	Honorable Tiffany Southard, Mayor	Project No.	690666
From	Michael J. Flickinger, P.E.		
Date	October 8, 2026		
Copies to	File		

Task Order No. 30: Maintenance Building

- We are coordinating with the contractor to schedule a project walk-through to create a punch list of items to be corrected before final acceptance.

Task Order No. 41: North Lake Court Roadway and Utility Improvements

- We prepared official notices and conformed documents and we continued coordinating with the contractor regarding proposed start and finish dates.
- We conducted the preconstruction meeting on 10/01.
- We continued coordinating with the City of Columbus regarding the water line approval.

Task Order No. 43: 2026 CCTV Analysis

- We prepared project documents and solicited pricing from the Village's preferred contractor for cleaning and televising services for the main scope of the project.
- We solicited pricing for cleaning and televising work in the Park Lane Drive and Park Lane Court area.
- We coordinated Park Lane Drive and Park Lane Court work with the contractor, including addressing questions about access and structure locations.
- We began reviewing the contractor's inspection information and began preparing the summary report for that work.

General Consulting: MS4 Professional Services Request for Qualifications (RFQ)

- We began scheduling meetings to negotiate the project's scope and eventual fee.

Violation Report - SEPT 2026

Record Count : 24

Violation Date	Date Resolved	Subject
09/29/2026		TRASH CANS
09/23/2026	09/29/2026	JUNK IN FRONT YARD
09/23/2026	09/29/2026	HIGH GRASS NOTICE POSTED
09/22/2026	09/23/2026	HIGH GRASS
09/22/2026	09/23/2026	JUNK IN FRONT YARD
09/22/2026	09/23/2026	BLOCKED SIDEWALK
09/21/2026	09/29/2026	HIGH GRASS
09/15/2026		HIGH GRASS NOTICE POSTED
09/15/2026	09/29/2026	GRASS, WEEDS AND DEBRIS
09/14/2026	09/29/2026	INOPERABLE VEHICLE
09/14/2026	09/16/2026	HIGH GRASS
09/14/2026	09/15/2026	HIGH GRASS
09/14/2026	09/15/2026	HIGH GRASS NOTICE POSTED
09/14/2026	09/16/2026	HIGH GRASS
09/15/2026		DIRT PILE IN FRONT YARD
09/09/2026	09/15/2026	HIGH GRASS
09/09/2026	09/21/2026	DUMPING IN RESERVE
09/08/2026	09/09/2026	HIGH GRASS
09/08/2026	09/14/2026	HIGH GRASS
09/08/2026	09/14/2026	HIGH GRASS
09/08/2026	09/09/2026	HIGH GRASS
09/08/2026	09/15/2026	HIGH GRASS
09/02/2026	09/08/2026	TIRE IN FRONT YARD
09/02/2026	09/08/2026	HIGH GRASS

Permit Report - SEPT 2026

Record Count : 10

Permit Type	Status	Date of Application	Local Permit No.	Property Address
DECK/PATIO (1)	Approved	09/04/2026	PIP-29-2026	4747 BLACK SYCAMORE DR
DRIVEWAY (1)	Approved	09/23/2026	DSP-06-2026	3110 MINERVA LAKE RD
FENCE (1)	Approved	09/14/2026	F-09-2026	3063 HOWLER LN
PLUMBING (1)	Complete	09/09/2026	P-10-2026	2671 WOODLEY RD
RIGHT OF WAY (4)	Complete	09/25/2026	ROW-11-2026	2688 WOODLEY RD
	Complete	09/25/2026	ROW-12-2026	3286 MINERVA LAKE RD
	Complete	09/15/2026	ROW-14-2026	3001 MAPLEWOOD DR.
	Complete	09/28/2026	ROW-15-2026	2525 LAKEWOOD DR
ROOF REPLACEMENT (1)	Approved	09/21/2026	PIP-31-2026	5377 PARKLANE CT
SOLAR PANELS (1)	Approved	09/09/2026	PIP-30-2026	4916 BLACK SYCAMORE DR

ORDINANCE 2026-13

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC OFFENSES MINERVA PARK VILLAGE CODE SECTIONS 402.01, 414.02, 414.03, 414.04, 414.09, 414.10, 416.01, 416.03, 416.11, 416.12, 432.16, 432.22, 432.32, 432.33, 432.34, 432.35, 432.36, 434.01, 434.03, 434.04, 434.10, 434.11, 436.04, 436.071, 436.074, 436.09, 436.14, 438.24, 438.26, 438.29, 440.08, 442.01, 452.03, 452.05, 452.06; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Minerva Park, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the State of Ohio has adopted various new laws and amended existing laws and the Village desires to mirror its code to the Ohio Revised Code to the extent set forth in this document.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

- Section 1.** That the Code of Ordinances of the Village of Minerva Park, Ohio (meaning Village Municipal Code) is hereby amended by adding the provisions as provided in **Exhibit A**, which is adopted and incorporated by reference herein.
- Section 2.** The addition, amendment, or removal of Minerva Park Village Code Sections when passed in such form as to indicate the intention of the governing authority of the Village of Minerva Park, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.
- Section 3.** The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the Village of Minerva Park, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the Village's Municipal Code.
- Section 4.** Provisions of **Exhibit A** that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.
- Section 5.** If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the Village of Minerva Park, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 6. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Item # 16.

Section 7. That it is found that all formal actions of Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8. That this ordinance shall be in full force and effect from the earliest period allowed by law.

First Reading: September 10, 2026

Second Reading: September 24, 2026

Third Reading: October 8, 2026

Passed: October 8, 2026

Tiffany Southard, Mayor

ATTEST

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

Exhibit A**402.01 Meaning of words and phrases.**

Except as otherwise provided, the definitions set forth in R.C. § 4501.01 shall apply to this traffic code and the penal laws of the municipality. Except as otherwise provided, the following words and phrases, when used in this traffic code, shall have the meanings respectively ascribed to them in this chapter.

Agricultural tractor and traction engine means every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

Alley means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an "alley" by the legislative authority of the municipality in which the street or highway is located.

Arterial street or highway means ~~any United States or State numbered route, controlled access highway, a street or highway primarily used by through traffic, or other major radial or circumferential usually on a continuous route or a street or highway designated by local authorities within their respective jurisdictions as part of an~~ major-arterial system of streets or highways.

Beacon means a highway traffic signal with one (1) or more signal sections that operate in a flashing mode.

Bicycle means ~~every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two (2) or more wheels, any of which is more than 14 inches in diameter~~ a pedal-powered vehicle upon which a human operator sits, including an electric bicycle.

Bus means every motor vehicle designed for carrying more than nine (9) passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

***Cross references**—Blind person defined, see section 416.02; Commercial car defined, see section 442.01; Funeral procession defined, see section 432.23; Snowmobile, off-highway motorcycle and all-purpose vehicle defined, see section 446.01; Street racing defined, see section 434.09

Business district means the territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where 50 percent or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where 50 percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.

Chauffeured limousine means a motor vehicle that is designed to carry nine (9) or fewer passengers and is operated for hire pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding,

to provide transportation from a specific location in a chauffeured limousine. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

Child care center and *type A family care home* means these terms shall have the same meanings as set forth in R.C. § 5104.01.

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

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

Crosswalk means:

- (1) That part of a roadway at ~~intersections ordinarily~~ an intersection included within the ~~real or projected prolongation of property lines and curb lines~~ connections of the lateral lines of the sidewalk on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at the right angles to the center line;
- (2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface, which might be supplemented by contrasting pavement texture, style, or color;
- (3) Notwithstanding the foregoing provisions of this definition, ~~there shall not be a crosswalk~~ crosswalk does not include an area where authorized signs have been placed signs indicating no crossing.

Driver or operator Any person who drives or is in actual physical control of a vehicle.

Electric bicycle means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined below.

- (1) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- (2) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (3) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Emergency vehicle means emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the director of public safety or local authorities, and motor vehicles when commandeered by a police officer.

Explosives means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be "explosives" when the individual units contain explosives in limited quantities of a nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb or property by fire, friction, concussion, percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches.

Expressway means a divided arterial street or highway for through traffic with full or partial control of access with an excess of 50 percent of all crossroads separated in grade.

Flammable liquid means any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed cup test device.

Freeway means a divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.

Funeral escort vehicle means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

Gross weight means the weight of a vehicle plus the weight of any load thereon.

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

Highway traffic signal means a power-operated traffic control device by which traffic is warned or directed to take some specific action. The term does include a beacon, an in-road warning light, a lane-use control signal, and a traffic control signal. The term does not include a power-operated sign, steadily illuminated pavement markers, gate, flashing light signal, warning light, or steady burning electric lamp.

Hybrid beacon means a special type of beacon that is intentionally placed in a dark mode ~~between periods of operation~~ where no indications are displayed between periods of operation and, when in operation operated, displays both steady and flashing highway traffic control signal indications. Hybrid beacon includes both of the following:

- (1) An emergency-vehicle hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist authorized emergency vehicles in entering or crossing a street or highway;
- (2) A pedestrian hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two (2) highways that join one (1) another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley ~~or~~ driveway, site roadway open to public travel with a public roadway or highway does not constitute an intersection, unless the public roadway or highway at the junction is controlled by a traffic control device.

(2) If a highway includes two (2) roadways ~~that are 30 feet or more apart separated by a median~~ then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection if the opposing left-turn paths cross and there is sufficient interior storage for the design vehicle. If both intersecting highways include two (2) roadways 30 feet or more apart, then every crossing of any two (2) roadways of such ~~As used in this division, "design vehicle" means the longest vehicle authorized under section 5577.05 of the Revised Code to operate on that roadway without a permit. highways constitutes a separate intersection.~~

(3) At a location controlled by a highway traffic ~~control~~ signal, regardless of the distance between the separate intersections as described in division (2) of this definition:

A. If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two (2) intersections and the roadway and median constitute one (1) intersection.

B. Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

C. Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

Laned highway means a highway the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Local authorities means every county, municipal and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.

Low-speed micromobility device means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than 20 miles per hour when propelled by the electric motor.

Median means the portion of a highway separating opposing directions of the traveled way or the area between two (2) roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding . The median excludes turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

Motor vehicle means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work, and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten (10) miles and at a speed of 25 miles per hour or less.

Motorcycle means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

Motorized bicycle or moped means any vehicle having either two (2) tandem wheels or one (1) wheel the front and two (2) wheels in the rear, that may be capable of being pedaled, and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one (1) brake horsepower, and is capable of propelling the vehicle at a speed of not greater than 20 miles per hour on a level surface. The terms do not include an electric bicycle.

Motorized wheelchair means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight (8) miles per hour.

Multi-wheel agricultural tractor means a type of agricultural tractor that has two (2) or more wheels or tires on each side of one (1) axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

Natural resources officer means an officer appointed pursuant to R.C. § 1501.24.

Operate means to cause or have caused movement of a vehicle.

Parking or parked means the standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or loading merchandise or passengers.

Pedestrian means any ~~natural person~~ foot on foot, in a motorized or non-motorized wheelchair, or using another equivalent device, such as skates or a skateboard. The term includes a personal delivery device as defined in R.C. § 4511.513 unless the context clearly suggests otherwise.

Person means every natural person, firm, partnership, association or corporation.

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 connections.

Police officer means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

Predicate motor vehicle or traffic offense means any of the following:

(1) A violation of R.C. §§ 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;

(2) A violation of R.C. §§ 4511.17(A)(2), 4511.51(A) through (D) or 4511.74(A);

(3) A violation of any provision of R.C. §§ 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of R.C. § 4511.214;

(5) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2), (3), or (4) of this definition.

~~Private road~~ Site roadway open to public travel means a ~~private toll road or road, including any adjacent sidewalks that generally run parallel to the road, roadway or bikeway on site of a shopping center, office part, airport, school, university within a shopping center, airport, sports arena, recreational park or other similar business, government, or recreation facility that is publicly or privately owned but where the public is allowed to travel without full-time access restrictions. The term includes a gated toll road but does not include a road within a private gated property roadway where access is restricted at all times by gates or guards to residents, employees, or other specifically authorized persons, a parking area, a driving aisle within a parking area, or a private highway-rail grade crossing.~~

~~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.

Public safety vehicle means any of the following:

- (1) Ambulances, including private ambulance companies under contract to a municipality, township or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;
- (2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;
- (3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described herein;
- (4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the director of public safety;
- (5) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a "public safety vehicle," shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether the vehicle has already passed a hospital;
- (6) Vehicles used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in R.C. § 5503.34.

Railroad means a carrier of persons or property operating upon rails or tracks placed principally on a private right-of-way.

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.

~~*Railroad train*~~ *Train* means a ~~steam engine or an electric or other motor,~~ one or more locomotives ~~couples,~~ with or without cars ~~coupled thereto,~~ operated by a railroad that operates on rails or tracks and to which all other traffic is required by law to yield the right-of-way at highway-rail grade crossings.

Residence district means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.

Ridesharing arrangement includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes "ridesharing arrangements" known as carpools, vanpools and buspools.

Right-of-way means either of the following, as the context requires:

- (1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;
- (2) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, "right-of-way" includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the state or local authority.

Road service vehicle means wreckers, utility repair vehicles and state, county and municipal service vehicles equipped with visual signals by means of flashing, rotating or oscillating lights.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel and parking lanes, except not including the berm, sidewalk, or shoulder, even if the berm, sidewalk, or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a highway includes two (2) or more separate roadways, the term "roadway" means any roadway separately, but not all the roadways collectively.

Rural mail delivery vehicle means every vehicle used to deliver United States mail on a rural mail delivery route.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be plainly visible at all times.

School bus means every bus designed for carrying more than nine (9) passengers which is owned by a public, private or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; ~~provided, "school . "School bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within those limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the public utilities commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than 15 children in the van or bus at any time. any of the following:~~

(1) A bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function;

(2) A van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time;

(3) An alternative vehicle as defined in R.C. § 4511.76.

Semitrailer means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

Shared-use path means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use.

Sidewalk means that portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

State highway means a highway under the jurisdiction of the department of transportation, outside the limits of municipalities, provided that the authority conferred upon the director of transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

State route means every highway which is designated with an official state route number and so marked.

Stop when required, means a complete cessation of movement.

Stop intersection means any intersection at one (1) or more entrances of which stop signs are erected.

Stopping or standing when prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

Street or highway means ~~the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel~~ a general term for denoting a public way for purposes of travel by vehicles, streetcars, trackless trolleys, and vulnerable road the entire area within the right-of-way.

Through highway means every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.

Thruway means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

Traffic means pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or ~~private road~~ site road open to public travel.

Traffic control device means a flagger, sign, signal, marking, channelization device, or other device ~~used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road that uses colors, shapes, symbols, words, sounds, or tactile information for the primary purpose of communicating a regulatory, warning, or guidance message to road users on a street, highway site roadway open to public travel, by authority of the private owner or private official having jurisdiction~~ pedestrian facility, bikeway, or pathway.

Traffic control signal means any highway traffic signal ~~by which~~ placed at an intersection, movable bridge, fire station, midblock crosswalk, alternating one-way sections of a single lane road, private driveway, or other location that requires conflicting traffic is alternately to be directed to stop and permitted to proceed in an orderly manner. "Traffic control signal" includes a vehicular signal indication, a pedestrian signal indication, and a bicycle symbol signal indication. "Traffic control signal" does not include an emergency-vehicle hybrid beacon or a pedestrian hybrid beacon.

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 vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten (10) miles or at a speed of more than 25 miles per hour.

Truck means every motor vehicle, except trailers and semitrailers, designed and used to carry property.

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 a distance of one-quarter (¼) of a mile or more, and the character of the territory is indicated by official traffic-control devices.

Vehicle means every device, including a bicycle, motorized bicycle, and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a highway, ~~except that "vehicle"~~ "Vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in R.C. § 4511.513, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks or any device, ~~other than a bicycle~~, that is moved by human power.

Waste collection vehicle means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

Wildlife officer means an officer designated pursuant to R.C. § 1531.13.

In-road warning light means a special type of highway traffic signal that is installed in the roadway surface to warn road users that they are approaching a condition on or adjacent to the roadway that

might not be readily apparent and might require the road users to reduce speed or come to a complete stop.

Lane-use control signal means a signal face or comparable display on a full-matrix changeable message sign that displays indications to permit or prohibit the use of specific lanes of a roadway or a shoulder where driving is sometimes authorized or to indicate the impending prohibition of such use.

Bicycle box means a designated area on the approach to a signalized intersection, between an advance motorist stop line and the crosswalk or intersection, that is intended to provide bicyclists a visible location to wait in front of stopped motorists during the red signal phase.

Two-stage bicycle turn box means a designated area at an intersection that is intended to provide bicyclists a place to wait for traffic to clear before proceeding in a different direction of travel.

Bicycle lane means a portion of a roadway that has been designated for preferential or exclusive use by bicyclists and is often delineated from the adjacent general-purpose lanes by longitudinal pavement markings and either a bicycle lane symbol, words, or signs. "Bicycle lane" includes all of the following:

(1) A buffer-separated bicycle lane, which is separated from the adjacent general-purpose lanes by a pattern of standard longitudinal pavement markings that are wider than a normal or wide-lane pavement marking;

(2) A counter-flow bicycle lane, which is a one-directional bicycle lane that provides a lawful path of travel for bicycles in the opposite direction from the general traffic on a roadway that otherwise requires the general traffic to travel in only one direction. A counter-flow bicycle lane is designated by the traffic control devices used for other bicycle lanes;

(3) A separated bicycle lane, which is an exclusive facility for bicyclists that is located within or directly adjacent to the roadway and is physically separated from the motor vehicle traffic with a vertical element.

Bicycle signal face means a signal face that displays only bicycle symbol signal indications in accordance with R.C. § 4511.15, that exclusively controls a bicyclist's movement from a designated bicycle lane or from a separate facility, and that displays signal indications that are applicable only to a bicyclist's movement.

Bicycle signal sign means a sign meant to inform road users that the signal indications in the bicycle signal face are intended only for bicyclists, and to inform bicyclists which bicyclist movements are controlled by that bicycle signal face.

Bikeway means any road, street, path, or way that in some manner is specifically designated for bicycle travel, regardless of whether the facility is designated for the exclusive use of bicycles or if it is shared with other modes of transportation.

Busway means a traveled way that is used exclusively by buses.

Driveway means an access from a roadway to a building, site, or abutting property.

Roundabout means a circular intersection with a yield control at each entry, which permits a vehicle on the circulatory roadway to proceed, with deflection of the approaching vehicles counter-clockwise around a central island.

Shoulder means a longitudinal area contiguous with the traveled way that is used for accommodating vehicles that are stopped for an emergency and for lateral support of base and surface courses; graded for emergency stopping; either paved or unpaved; and when paved, may be open for part-time travel by some or all vehicles or may also be available for use by pedestrians or bicycles in the absence of other pedestrian or bicycle facilities.

Autocycle, cab-enclosed motorcycle, electronic, farm machinery, motor-driven cycle or motor scooter, limited driving privileges, and state have the same meanings as in R.C. § 4501.01.

Multifunction school activity bus means a school bus whose purposes do not include transporting children to and from home or school bus stops.

(Ord. No. 01-2024, § 6, 1-11-2024; Ord. No. 26-2024, § 1(Exh. A), 11-21-2024)

State law reference—R.C. §§ 4501.01(LL), 4511.01

CHAPTER 406. TRAFFIC CONTROL.*

CHAPTER 408. PENALTIES*

TITLE FOUR. PUBLIC WAYS AND TRAFFIC-CONTROL DEVICES

CHAPTER 412. OBSTRUCTION AND SPECIAL USES OF PUBLIC WAYS*

414.02 Through streets; stop and yield right-of-way signs.

(a) All state routes are hereby designated as through highways, provided that stop signs, yield signs or highway traffic-control signals shall be erected at all intersections with such through highways by the department of transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two (2) or more state routes that are through highways intersect, and no highway traffic-control signal is in operation, stop signs or yield signs shall be erected at one (1) or more entrances thereto by the department or by local authorities having jurisdiction, except as otherwise provided in this section. Whenever the director of transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent the installations. When circumstances warrant, the director also may omit stop signs on roadways intersecting through highways under his or her jurisdiction. Before the director either installs or removes a stop sign under this division, he or she shall give notice, in writing, of that proposed action to the affected local authority at least 30 days before installing or removing the stop sign.

(b) Other streets or highways, or portions thereof, are hereby designated as through highways if they are within the municipality, if they have a continuous length of more than one (1) mile between the limits of the street or highway or portion thereof, and if they have stop or yield signs or highway traffic-control signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of the street or highway, or portion thereof, shall be the municipal corporation line,

the physical terminus of the street or highway, or any point on the streets or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided, that in residence districts, the municipality may by ordinance designate the street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic-control devices. Where two (2) or more through highways designated under this division intersect and no highway traffic-control signal is in operation, stop signs or yield signs shall be erected at one (1) or more entrances thereto by the department or by local authorities having jurisdiction, except as otherwise provided in this section.

(c) The department or local authorities having jurisdiction need not erect stop signs at intersections they find to be so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right-of-way to or merge with all traffic proceeding on the through highway.

(d) Local authorities, with reference to highways under their jurisdiction, may designate additional through highways, and shall erect stop signs, yield signs or highway traffic-control signals at all streets and highways intersecting the through highways, or may designate any intersection as a stop or yield intersection, and shall erect like signs at one (1) or more entrances to the intersection.

State law reference—R.C. § 4511.65

414.03 Traffic-control signal terms and lights.

Highway traffic signal indications for vehicles and pedestrians shall have the following meanings:

(a) Steady green signal indication.

(1) A. Vehicular traffic facing a circular green signal indication are permitted to proceed straight through or turn right or left or make a U-turn movement except as such movement is modified by a lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a U-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a U-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, are permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a U-turn movement, shall yield the right-of-way to both of the following:

- A. Pedestrians lawfully within an associated crosswalk;

B. Other traffic lawfully using the intersection.

(3) A. Unless otherwise directed by a pedestrian signal indication, as provided in R.C. § 4511.14, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.

B. Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.

(b) Steady yellow signal indication.

(1) Vehicular traffic facing a steady circular yellow signal indication are thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.

(2) vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.

(3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in R.C.

§ 4511.14 or other traffic control device, shall not start to cross the roadway.

(c) Steady red signal indication.

(1) A. Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in divisions (c)(1), (c)(2), and (c)(3) of this section.

B. Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) A. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop

line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.

- B. When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow and shall be subject to the provisions that are applicable after making a stop at a stop sign.

(3) Unless otherwise directed by a pedestrian signal indication as provided in R.C. § 4511.14 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.

(4) Local authorities by ordinance, or the director of transportation on state highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(d) *Flashing green signal indication.* A flashing green signal indication has no meaning and shall not be used.

(e) *Flashing yellow signal indication.*

(1) A. Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a U-turn movement except as such movement is modified by lane- use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a U-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) A. Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a U-turn, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(3) Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(4) When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.

(f) *Flashing red signal indication.*

(1) Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.

(3) When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

(4) Vehicular traffic, on an approach to an intersection, facing a flashing red arrow signal indication and if intending to turn in the direction indicated by the arrow, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.

(g) Transit vehicle signal indication:

(1) Light rail and mass transit system bus traffic, on an approach to an intersection from a designated busway or other designated transit vehicle lane or tracks shall do all of the following:

(A) Stop when facing a steady horizontal white line;

(B) Proceed straight ahead when facing a steady vertical white line;

(C) Only turn or proceed left when facing a steady diagonal white line that begins in the lower right corner and angles up and to the left;

(D) Only turn or proceed right when facing a steady diagonal white line that begins in the lower left corner and angles up and to the right;

(E) Prepare to stop when facing a flashing vertical white line.

(2) As used in division (g)(1) of this section, "mass transit system" and "bus" have the same meanings as in R.C. § 4511.78.

(h) In the event an official highway traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(i) This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by R.C. §§ 4511.61 and 4511.62.

State law reference—R.C. § 4511.13

414.04 Signal to control lane direction of travel.

The meanings of lane-use control signal indications are as follows:

- (a) A steady downward green arrow: A road user is permitted to drive in means that the lane over which the arrow signal indication is located is open to vehicle travel in that direction.
- (b) A steady yellow "X:" A road user is to prepare to vacate means that the lane over which the signal indication is located because a lane control change is being made to is about to be closed to vehicle traffic in that direction and will be followed by a steady red "X" signal indication, either within the same signal face or in a downstream signal face.
- (c) A steady white two-way left-turn arrow: A road user is permitted to use a means that lane over which the signal indication is located for is open to traffic making a left turn in that direction, but not for through travel, with the understanding that common use of the lane by oncoming road users for left turns also is permitted.
- (d) A steady white one-way left-turn arrow: A road user is permitted to use a means that lane over which the signal indication is located for a left turn, without opposing turns in the same lane, but not for through travel.
- (e) A steady red "X:" A road user is not permitted to use means that the lane over which the signal indication is located and that this signal indication shall modify accordingly the meaning of other traffic controls present is closed to vehicle traffic in the direction viewed by the road user.

State law reference—R.C. § 4511.131

414.09 Unauthorized possession or sale of devices.

(a) As used in this section, "~~highway traffic-control device~~" means any sign, traffic-control signal or other device conforming to and placed or erected in accordance with the manual adopted under R.C. § 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess, or sell, a traffic-control device, except when one (1) of the following applies:

(1) In the course of the individual's employment by the state or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic-control device;

(2) In the course of the individual's employment by any manufacturer of traffic-control devices other than a state or local authority;

(3) For the purpose of demonstrating the design and function of a traffic-control device to state or local officials;

(4) When the traffic-control device has been purchased from the state or a local authority at a sale of property that is no longer needed or is unfit for use; or

(5) When the traffic-control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of R.C. § 2913.02, or a substantially equivalent municipal ordinance, or for receiving stolen property in violation of R.C. § 2913.51, or a substantially equivalent municipal ordinance.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree.

State law reference—R.C. § 4511.18

414.10 Signal preemption devices; prohibitions.

(a) (1) "Highway maintenance vehicle" means a vehicle used in snow and ice removal, including a snow plow, when it is owned by a political subdivision and operated by an employee of that political subdivision.

(2) "Peace officer" has the same meaning as in divisions (A)(1), (12), (14), and (19) of R.C. § 109.71.

(3) "Portable signal preemption device" means a device that, if activated by a person, is capable of changing a highway traffic signal to green out of sequence.

(4) "Public safety vehicle" has the same meaning as in divisions (E)(1), (3), and (4) of R.C. § 4511.01.

(b) Except as provided in divisions (c) and (d) of this section:

(1) No person shall possess a portable signal preemption device.

(2) No person shall use a portable signal preemption device to affect the operation of a highway traffic control signal.

(bc) Subsection (ab)(1) of this section does not apply to any of the following persons and subsection (a)(2) of this section does not apply to any of the following persons when responding to an emergency call:

(1) A peace officer, as defined in R.C. § 109.71(A)(11), (12), (14) or (19);

(2) A State highway patrol trooper;

(3) A person while occupying a public safety vehicle as defined in R.C. § 4511.01(E)(1), (3) or (4);

(4) The authorized employee operator of a highway maintenance vehicle.

(d) Division (b)(2) of this section does not apply under either of the following circumstances:

(1) When a person listed in divisions (c)(1) to (3) of this section is responding to an emergency call;

(2) When a person listed in division (c)(4) of this section is responding to an emergency level two or level three weather event.

~~(ee)~~ Whoever violates subsection ~~(ab)~~(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection ~~(ab)~~(2) of this section is guilty of a misdemeanor of the first degree.

~~(d) As used in this section, "portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence.~~

State law reference—R.C. § 4511.031

CHAPTER 416. PEDESTRIANS*

416.01 Duties of pedestrians and drivers at crosswalks.

(a) When highway ~~traffic~~-control signals are not in place, not in operation or are not clearly assigning the right-of-way, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, or if required by R.C. § 4511.132, or a substantially equivalent municipal ordinance, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

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

(c) Division (a) of this section does not apply under the conditions stated in R.C. § 4511.48(B), or a substantially equivalent municipal ordinance.

***Cross references**—Obedience to traffic-control devices, see section 414.01; Opening doors on side available to traffic, see section 452.08; Pedestrian control signals, see section 414.05; Pedestrians prohibited on freeways, see section 412.05

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

(e) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(f) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.46

416.03 Right-of-way yielded by pedestrian; crossing roadways.

- (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 highway traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
- (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.
- (e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.
- (f) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

State law reference—R.C. § 4511.48

~~416.11 Motorized wheelchair operators.~~

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

~~**State law reference**—R.C. § 4511.491~~

416.12 Operation of electric personal assistive mobility devices.

- (a) (1) Electric personal assistive mobility devices, as defined in R.C. § 4501.01, may be operated on the public streets, highways, sidewalks and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.
- (2) Except as otherwise provided in this section, those sections of this traffic code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk or path or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (3) The municipality may regulate or prohibit the operation of electric personal assistive mobility devices on public streets, highways, sidewalks and paths, or portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction.
- (b) No operator of an electric personal assistive mobility device shall do any of the following:

- (1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;
 - (2) Fail to give an audible signal before overtaking and passing a pedestrian;
 - (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
 - A. A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;
 - B. A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle;
 - (4) Operate the device on any portion of a street or highway that has an established speed limit of 55 miles per hour or more;
 - (5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;
 - (6) If under 18 years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;
 - (7) If under 16 years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is 18 years of age or older and is responsible for the immediate care of the person under 16 years of age.
- (c) No person who is under 14 years of age shall operate an electric personal assistive mobility device.
- (d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS AND KNEE PADS."
- (e) Nothing in this section affects or shall be construed to affect any rule of the director of natural resources or a board of park district commissioners governing the operation of vehicles on lands under the control of the director or board, as applicable.
- (f) *Penalty.*
- (1) Whoever violates division (b) or (c) of this section is guilty of a minor misdemeanor and shall be punished as follows:
 - A. The offender shall be fined \$10.00;
 - B. If the offender previously has been convicted of or pleaded guilty to a violation of division (b) or (c) of this section, or any substantially equivalent state law or municipal ordinance, the court, in addition to imposing the fine required under division (f)(1)A. of this section, shall do one (1) of the following:
 1. Order the impoundment for not less than one day but no more than 30 days of the electric personal assistive mobility device that was involved in the current violation of that division. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess

storage fees of not more than \$5.00 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 \$50.00.

2. If the court does not issue an impoundment order pursuant to division (f)(1)B.1. of this section, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one (1) day but not more than 30 days.

(2) Whoever violates division (d) of this section is guilty of a minor misdemeanor.

(g) As used in this Code, "electric personal assistive mobility device" means a self-balancing two (2) non-tandem wheeled device that is designed to transport only one (1) person, has an electric propulsion system of an average of 750 watts, and when ridden on a paved level surface by an operator who weighs 170 pounds has a maximum speed of less than 20 miles per hour.

State law reference—R.C. §§ 4501.01(TT), 4511.512

TITLE SIX. OPERATION AND VEHICLES

CHAPTER 432. OPERATION GENERALLY*

432.16 Intersections at which traffic-control signals fail or malfunction.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by highway ~~control~~ traffic signals shall do all of the following if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way, or, if the vehicle is a bicycle or an electric bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle:

(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;

(3) Exercise ordinary care while proceeding through the intersection.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(c) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.132

432.22 Stop signs on private roads and driveways.

(a) The owner of a private road ~~or driveway~~ located in a private residential area containing 20 or more dwelling units may erect stop signs at places where the road or driveway intersects with another private road ~~or driveway~~ in the residential area, in compliance with all of the following requirements:

(1) The stop sign is sufficiently legible to be seen by an ordinarily observant person and meets the specifications of and is placed in accordance with the manual adopted by the department of transportation pursuant to R.C. § 4511.09.

(2) The owner has posted a sign at the entrance of the private road ~~or driveway~~ that is in plain view and clearly informs persons entering the road ~~or driveway~~ that they are entering private property, stop signs have been posted and must be obeyed, and the signs are enforceable by law enforcement officers under state law. The sign required by this division, where appropriate, may be incorporated with the sign required by R.C. § 4511.211(A)(2), or any substantially equivalent municipal ordinance.

(b) R.C. §§ 4511.43(A) and 4511.46, or any substantially equivalent municipal ordinance, shall be deemed to apply to the driver of a vehicle on a private road ~~or driveway~~ where a stop sign is placed in accordance with division (a) of this section and to a pedestrian crossing such a road ~~or driveway~~ at an intersection where a stop sign is in place.

(c) When a stop sign is placed in accordance with division (a) of this section, any law enforcement officer may apprehend a person found violating the stop sign and may stop and charge the person with violating the stop sign.

(d) As used in this section, and for the purpose of applying R.C. §§ 4511.43(A) and 4511.46, or any substantially equivalent municipal ordinance, to conduct under this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Intersection means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) private roads ~~or driveways~~ which join one (1) another at, or approximately at, right angles, or the area within which vehicles traveling upon different private roads ~~or driveways~~ joining at any other angle may come in conflict.

(2) Where a private road ~~or driveway~~ includes two (2) roadways 30 feet or more apart, then every crossing of two (2) roadways of the private roads ~~or driveways~~ shall be regarded as a separate intersection.

Owner and private residential area containing 20 or more dwelling units have the same meanings as in R.C. § 4511.211.

Roadway means that portion of a private road ~~or driveway~~ improved, designed or ordinarily used for vehicular travel and parking lanes, except not including the berm, sidewalk, or shoulder, even if the berm, sidewalk or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a private road ~~or driveway~~ includes two (2) or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively.

(e) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

State law reference—R.C. § 4511.432

432.32 Stopping for school bus; actuating visual signals; discharging children.

(a) The driver of a vehicle, upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten (10) feet from the front or rear of the school bus and shall not proceed until the school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of R.C. § 4511.771 or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the department of education and workforce, which shall be actuated by the driver of the bus whenever, but only whenever, the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(c) Where a highway has been divided into four (4) or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) above.

(d) School buses operating on divided highways or on highways with four (4) or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(f) (1) Whoever violates division (a) of this section may be fined an amount not to exceed \$500.00. A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7). When a license is suspended under this section, the court or Mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the registrar of motor vehicles, together with notice of the court's action.

(g) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Head start agency has the same meaning as in R.C. § 3301.32.

School bus as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the department, is painted the color and displays the markings described in R.C. § 4511.77, and is equipped with amber and red visual signals meeting the requirements of R.C. § 4511.77, irrespective of whether or not the bus has 15 or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings, or multifunctional school activity bus.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. § 4511.75

432.33 Driving across grade crossings.

(a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

B. A crossing gate is lowered.

C. A flagperson gives or continues to give a signal of the approach or passage of a train.

D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any highway traffic-control signal indication to proceed.

E. An approaching train is emitting an audible signal or is plainly visible, and is in hazardous proximity to the crossing.

F. There is insufficient undercarriage clearance to safely negotiate the crossing.

(2) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. through (a)(1)F. of this section exist at the crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed, or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

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

State law reference—R.C. § 4511.62

432.34 Stopping at grade crossings.

(a) (1) Except as provided in division (a)(2) of this section, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 C.F.R. Parts 100 to 185, before crossing at grade any track of a railroad, shall stop the vehicle, and while so stopped, shall listen through an open door or open window, and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing, and shall not shift gears while crossing the tracks.

(2) Division (a) of this section does not apply at grade crossings when any local authority has filed an application with the public utilities commission requesting the approval of an exempt crossing, and the public utilities commission has authorized and approved an exempt crossing as provided in R.C. § 4511.63(B).

(3) As used in division (a) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Bus means any vehicle originally designed by its manufacturer to transport 16 or more passengers, including the driver, or carries 16 or more passengers, including the driver.

Exempt crossing means a highway rail grade crossing authorized and approved by the public utilities commission under R.C. § 4511.63(B) at which vehicles may cross without making the stop otherwise required by this section.

School vehicle means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(4) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one (1) or more violations of division (a) of this section or R.C. §§ 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree.

(b) (1) As used in this section, "~~active-grade crossing warning system device~~" means signs, the flashing-light signals, gates, or other protective devices erected or installed at a public highway-railway crossing at common grade with or without automatic gates together with the necessary control equipment that is used to inform road users of the approach and activated by an electrical circuit presence of rail traffic at a grade crossing.

(2) The department of transportation and local authorities, with the approval of the department, may designate dangerous highway crossings over railroad tracks and erect stop signs thereat.

(3) A. The department and local authorities shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:

1. New warning devices that are not ~~active grade crossing warning devices~~ systems are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices.
2. The grade crossing is constructed after July 1, 2013 and only warning devices that are not ~~active grade crossing warning devices~~ systems are installed at the grade crossing.

B. Division (b)(3)A. of this section does not apply to a railroad highway grade crossing that the director of transportation has exempted from that division because of traffic flow or other considerations or factors.

(4) When stop signs are erected pursuant to division (b)(2) or (b)(3) of this section, the operator of any vehicle shall stop within 50, but not less than 15, feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(5) Except as otherwise provided in this division, whoever violates division (b)(4) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(6) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.61, 4551.63

432.35 Slow-moving vehicles or equipment at grade crossings.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of six (6) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with divisions (a)(1) and (a)(2) of this section.

(1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped, the person shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall proceed only upon exercising due care.

(2) No such crossing shall be made when warning is given by automatic signal, crossing gates or a flagperson, or otherwise of the immediate approach of a ~~railroad~~ train or car.

(b) If the normal sustained speed of the vehicle, equipment or structure is not more than three (3) miles per hour, the person owning, operating or moving the same shall also give notice of the intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection for the crossing. Where the vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in this construction or repair it is necessary to repeatedly move the vehicles or equipment over the crossing, one (1) daily notice specifying when the work will start and stating the hours during which it will be prosecuted is sufficient.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(d) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.64

432.36 Obstructing intersections, crosswalks or grade crossings.

(a) No driver shall enter an intersection or marked crosswalk, or drive onto any railroad grade crossing, unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or ~~railroad~~ trains, notwithstanding any highway traffic-control signal indication to proceed.

(b) This section does not apply to a bicyclist using a two-stage bicycle turn box.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

~~(e)~~ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.712

CHAPTER 434. O.V.I.; RECKLESS OPERATION; SPEED*

434.01 Driving or physical control of vehicle while under the influence of alcohol or drugs.

(a) *Driving under the influence.*

(1) No person shall operate any vehicle within this municipality, if, at the time of the operation, any of the following apply:

- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- B. The person has a concentration of 0.08 percent or more but less than 0.17 percent by weight per unit volume of alcohol in the person's whole blood.
- C. The person has a concentration of 0.096 percent or more but less than 0.204 percent by weight per unit volume of alcohol in the person's blood serum or plasma.
- D. The person has a concentration of 0.08 grams or more but less than 0.17 grams by weight of alcohol per 210 liters of the person's breath.

***Cross references**—Criminal offenses by drivers of commercial vehicles, see sections 442.05, 442.08; Driving upon sidewalks, tree lawns or curbs, see section 432.24; Intoxicated pedestrians, see sections 416.10; Liquor consumption in motor vehicle, see section 612.04; "Peeling," see section 432.37; Weaving; full time and attention, see section 432.40

State law references—Alcohol defined, see R.C. § 4301.01; Alteration of prima facie speed limits, see R.C. §§ 4511.21, 4511.22, 4511.23; Drug of abuse defined, see R.C. § 3719.011

- E. The person has a concentration of 0.11 grams or more but less than 0.238 grams by weight of alcohol per 100 milliliters of the person's urine.
- F. The person has a concentration of 0.17 percent or more by weight per unit volume of alcohol in the person's whole blood.
- G. The person has a concentration of 0.204 percent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- H. The person has a concentration of 0.17 grams or more by weight of alcohol per 210 liters of the person's breath.
- I. The person has a concentration of 0.238 grams or more by weight of alcohol per 100 milliliters of the person's urine.

J. Except as provided in division (k) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1. The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
2. The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
3. The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
4. The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.
6. The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
7. The person has a concentration of marihuana in the person's urine of at least ten (10) nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two (2) nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.
8. Either of the following applies:
 - a. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or

blood serum or plasma of at least five (5) nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

b. The person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9. The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

10. The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

11. The state board of pharmacy has adopted a rule pursuant to R.C. § 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within 20 years of the conduct described in division (a)(2) A. of this section, previously has been convicted of or pleaded guilty to a violation of this division or a substantially equivalent state law or municipal ordinance, division (a)(1) of this section or a substantially equivalent state law or municipal ordinance, or shall do both of the following:

A. Operate any vehicle within this municipality while under the influence of alcohol, a drug of abuse, or a combination of them;

B. Subsequent to being arrested for operating the vehicle as described in division (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under R.C. § 4511.191 or any substantially equivalent municipal ordinance, and being advised by the officer in accordance with R.C. § 4511.192 or any substantially equivalent municipal ordinance of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(b) *Underage alcohol consumption.* No person under 21 years of age shall operate any vehicle within this municipality if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least 0.02 percent but less than 0.08 percent by weight per unit volume of alcohol in the person's whole blood;

(2) The person has a concentration of at least 0.03 percent but less than 0.096 percent by weight per unit volume of alcohol in the person's blood serum or plasma;

(3) The person has a concentration of at least 0.02 grams but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath;

(4) The person has a concentration of at least 0.028 grams but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine.

(c) *Prosecution; limitation on convictions.* In any proceeding arising out of one incident, a person may be charged with a violation of division (a)(1) A. or (a)(2) and a violation of division (b)(1), (b)(2) or

(b)(3) of this section, but the person may not be convicted of more than one violation of these divisions.

(d) *Evidence; tests.*

(1) A. In any criminal prosecution or juvenile court proceeding for a violation of division (a)(1) A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, or urine withdrawn and analyzed at any health care provider, as defined in R.C. § 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

B. In any criminal prosecution for a violation of division (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three (3) hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in R.C. § 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood test at the request of a law enforcement officer under R.C. § 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum or blood plasma. This limitation does not apply to the taking of breath, oral fluid, or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this division (d)(1)B. shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director pursuant to R.C. § 3701.143.

C. As used in division (d)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in R.C. § 4765.01.

(2) In a criminal prosecution for a violation of division (a) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a

concentration of less than the applicable concentration of alcohol specified in divisions (a)(1)E, (a)(1)C., (a)(1)D. and (a)(1)E. of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution for a violation of division (b) of this section.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to division (d)(1)B. of this section, the person tested may have a physician, a registered nurse or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in R.C. § 4511.191(A)(5), the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in R.C. § 4511.191(A)(5), the form to be read to the person to be tested, as required under division (g) of this section, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4)

A. As used in division (d)(4)B. and (d)(4)C. of this section, "National Highway Traffic Safety Administration" means the National Highway Traffic Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C. 105.

B. In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, oral fluid, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.
2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under division (d)(4)B.1. or (d)(4)B.2. of this section and if the testimony or evidence is admissible under the rules of evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C. Division (d)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (d)(4)B. of this section.

(e) Laboratory report.

(1) Subject to division (e)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (a)(1)B., (a)(1)C., (a)(1)D., (a)(1)E., (a)(1)F., (a)(1)G., (a)(1)H., (a)(1)I. or (a)(1)J. or (b)(1), (b)(2), (b)(3) or (b)(4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the department of health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

A. The signature, under oath, of any person who performed the analysis;

B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

D. An outline of the analyst's or test performer's education, training and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the department of health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (e)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (e)(1) of this section shall not be prima facie evidence of the contents, identity or amount of any substance if, within seven (7) days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(f) *Limitation of liability.*

(1) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist or phlebotomist who withdraws blood from a person pursuant to this section or R.C. § 4511.19, 4511.191 or 4511.192, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section or R.C. § 4511.19, 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(2) As used in division (f)(1), "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in R.C. § 4765.01.

(g) *Implied consent.*

(1) *Definitions.* For the purpose of this division (g), the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Alcohol monitoring device means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

Community addiction services provider has the same meaning as in R.C. § 5119.01.

Physical control has the same meaning as in R.C. § 4511.194.

(2) *Implied consent to chemical tests.* Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality or who is in physical control of a vehicle shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine if arrested for a violation of division (a), (b) or (o) of this section, R.C. § 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance or any other municipal O.V.I. ordinance.

(3) *Tests at request of law enforcement agent.* The chemical test or tests under division (g)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle in violation of a division, section or ordinance identified in division (g)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) *Effect of death or unconsciousness.* Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (g)(2) of this section and the test or tests may be administered, subject to R.C. §§ 313.12 to 313.16.

(5) *Chemical tests.*

- A. If a law enforcement officer arrests a person for a violation of R.C. § 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance and if the person if convicted would be required to be sentenced under R.C. § 4511.19(G)(1)(c), (G)(1)(d) or (G)(1)(e), the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (g)(7) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (g)(3) and (g)(4) of this section apply to the administration of a chemical test or tests pursuant to this division.
- B. If a person refuses to submit to a chemical test upon a request made pursuant to division (g)(5)A. of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.
- (6) *Advice required.* Except as provided in division (g)(5) of this section, the arresting law enforcement officer shall give advice in accordance with this division to any person under arrest for a violation of division (a), (b) or (o) of this section, R.C.

§ 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or any other municipal O.V.I. ordinance. The officer shall give that advice in a written form that contains the information described in division (g)(7) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One (1) or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two (2) hours of the time of the alleged violation and, if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to

(7) *Certification of arrest.* Except as provided in division (g)(5) of this section, if a person is under arrest as described in division (g)(6) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance or combination content of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine, the arresting officer shall read the following form to the person:

"You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested - operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

"If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of O.V.I., O.V.U.A.C., or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding 20 years, you are now under arrest for state O.V.I., and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state O.V.I.

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) "If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

"If you take a chemical test, you may have an independent chemical test taken at your own expense."

(8) *Actions required by arresting officer.* If the arresting law enforcement officer does not ask a person under arrest as described in division (g)(5) of this section or division (g)(6) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under R.C. § 4511.196.

(9) *Duties of officer.*

A. If a law enforcement officer asks a person under arrest as described in division (g)(5) of this section to submit to a chemical test or tests under that division and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, or if a law enforcement officer asks a person under arrest as described in division (g)(6) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, if the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and if either the person refuses to submit to the test or tests or, unless

the arrest was for a violation of division (c) of this section, R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath or urine at the time of the alleged offense, the arresting officer shall do all of the following:

1. On behalf of the registrar of motor vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person's Ohio driver's or commercial driver's license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person's initial appearance on the charge, which will be held within five (5) days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending 30 days after that initial appearance;
2. Seize the driver's or commercial driver's license or permit of the person and immediately forward it to the registrar. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the person is given notice of the suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the registrar;
3. Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the Registrar of the change;
4. Send to the registrar, within 48 hours after the arrest of the person, a sworn report that includes all of the following statements:
 - a. That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle in violation of R.C. § 4511.19(A) or (B) or a municipal O.V.I. ordinance or for being in physical control of a stationary vehicle in violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance;
 - b. That the person was arrested and charged with a violation of R.C. § 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance;
 - c. Unless division (g)(9)A.4.e. of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (g)(7) of this section;
 - d. Unless division (g)(9)A.4.e. of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate

a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath or urine at the time of the alleged offense;

e. If the person was under arrest as described in division (g)(5) of this section and the chemical test or tests were performed in accordance with that division, that the person was under arrest as described in that division, that the chemical test or tests were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

B. Division (g)(9)A. of this section does not apply to a person who is arrested for a violation of division (o) of this section, R.C. § 4511.194 or a substantially equivalent municipal ordinance, or any other substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under this section, and who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite of a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, oral fluid, or urine.

(10) Sworn report of arresting officer.

A. The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the registrar of motor vehicles shall send the report to the person by regular first-class mail as soon as possible after receipt of the report, but not later than 14 days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest, provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than 48 hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

B. The sworn report of an arresting officer completed under this section is prima facie proof of the information and statements that it contains. It shall be admitted and considered as prima facie proof of the information and statements that it contains in any appeal under R.C. § 4511.197 relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.

(11) Suspension effective immediately. A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in R.C. § 4511.191(B) or (C) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person's being requested to take the chemical test or tests under division (g)(1) through (g)(5) of this section does not affect the suspension.

(12) Initial appearance. If a person arrested for operating a vehicle in violation of division (a) or (b) of this section, R.C. § 4511.19(A) or (B), or any other municipal O.V.I. ordinance, or for being in physical control of a vehicle in violation of division (o) of this section or R.C. § 4511.194 or a

substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under R.C. § 4511.191(B) or (C) or R.C. Ch. 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five (5) days of the person's arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to R.C. § 4511.197 regarding the issues specified in that section.

(h) *Penalty for driving under the influence.*

(1) Whoever violates any provisions of divisions (a)(1) A. through (a)(1) I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (a)(1) J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under R.C. Ch. 2929, except as otherwise authorized or required by divisions (h)(1) A. through (h)(1) E. of this section:

A. Except as otherwise provided in division (h)(1) B., (h)(1) C., (h)(1) D. or (h)(1) E. of this section, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(a)(i) to (G)(1)(a)(iv).

B. Except as otherwise provided in division (h)(1) E. of this section, an offender who, within ten (10) years of the offense previously has been convicted of or pleaded guilty to one (1) violation of division (a) of this section, or one (1) other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(b)(i) to (G)(1)(b)(v).

C. Except as otherwise provided in division (h)(1) E. of this section, an offender who, within ten (10) years of the offense, previously has been convicted of or pleaded guilty to two (2) violations of division (a) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(c)(i) to (G)(1)(c)(vi).

D. Except as otherwise provided in division (h)(1) E. of this section, an offender who, within ten (10) years of the offense, previously has been convicted of or pleaded guilty to three (3) or more violations of division (a) of this section or other equivalent offenses, an offender who, within 20 years of the offense, previously has been convicted of or pleaded guilty to five (5) or more violations of that nature, or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in R.C. § 2941.1413 is guilty of a felony to be prosecuted under appropriate state law.

E. An offender who previously has been convicted of or pleaded guilty to a violation of R.C. § 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony to be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of division (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section or R.C. § 4511.19 as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in R.C. § 4511.191(F)(2).

(3)

A. If an offender is sentenced to a jail term under R.C. § 4511.19(G)(1)(b)(i) or (G)(1)(b)(ii) or (G)(1)(c)(i) or (G)(1)(c)(ii) and if, within 60 days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing, the court may impose an alternative sentence as specified in R.C. § 4511.19(G)(3) that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

B. As an alternative to the mandatory jail terms as required by R.C. § 4511.19(G)(1), the court may sentence the offender as provided in R.C. § 4511.19(G)(3).

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (h) of this section or R.C. § 4511.19(G) and if R.C. § 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under R.C. § 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one (1) of the conditions of the limited driving privileges granted to the offender, except as provided in R.C. § 4503.231(B).

(5) Fines imposed under this section for a violation of division (a) of this section shall be distributed as provided in R.C. § 4511.19(G)(5).

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (h)(1) C., (h)(1) D. or (h)(1) E. of this section is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under division (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to section 698.02(f) or R.C. § 2929.18 or 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (h) of this section.

(8) As used in division (h) of this section, "electronic monitoring" has the same meaning as in R.C. § 2929.01.

(i) *Penalty for operating a vehicle after underage alcohol consumption.* Whoever violates division (b) of this section is guilty of operating a motor vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6). The court may grant limited driving privileges relative to the suspension under R.C. §§ 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under R.C. § 4510.022. If the court grants unlimited driving privileges under R.C. § 4510.022, the court shall suspend any jail term imposed under division (i)(1) of this section as required under that section.

2) If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) or more violations of division (a) or (b) of this section or other equivalent offense or offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4). The court may grant limited driving privileges relative to the suspension under R.C. § 4510.021 and 4510.13.

(3) Reserved.

(4) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 698.02(f) or R.C. § 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (b) of this section.

(j) Treatment programs.

(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under R.C. Ch. 5119 by the director of mental health and addiction services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(k) Appeal; effect on suspension. If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section or R.C. § 4511.19 files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(l) Exception; direction of health professional. Division (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed

metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

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

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

(n) *Applicability of terms*. All terms defined in R.C. § 4510.01 apply to this section. If the meaning of a term defined in R.C. § 4510.01 conflicts with the meaning of the same term as defined in R.C. § 4501.01 or 4511.01, the term as defined in R.C. § 4510.01 applies to this section.

(o) *Physical control of vehicle while under the influence*.

(1) *Definition*. As used in this division (o), "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.

(2) *Generally*. No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:

- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- B. The person's whole blood, blood serum or plasma, breath or urine contains at least the concentration of alcohol specified in divisions (a)(1) B., (a)(1) C., (a)(1) D. or (a)(1) E. of this section.
- C. Except as provided in division (o)(5) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in division (a)(1) J. of this section.

(3) *Field sobriety test*.

A. In any criminal prosecution or juvenile court proceeding for a violation of this section, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible and generally acceptable field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under division (o)(3)A.1. or (o)(3)A.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.

B. Division (o)(3)A. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (o)(3)A. of this section.

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

(5) *Exception.* Division (o)(2) C. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in division (a)(1) J. of this section if both of the following apply:

A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

B. The person injected, ingested or inhaled the controlled substance in accordance with the health professional's directions.

(p) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Community residential sanction, continuous alcohol monitoring, jail, mandatory prison term, mandatory term of local incarceration, prison term and sanction have the same meanings as in R.C. § 2929.01.

Drug of abuse has the same meaning as in R.C. § 4506.01.

Equivalent offense means any of the following:

(1) A violation of R.C. § 4511.19(A) or (B);

(2) A violation of a municipal O.V.I. ordinance;

(3) A violation of R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

(4) A violation of R.C. § 2903.06(A)(1) or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

(5) A violation of R.C. § 2903.06(A)(2), (A)(3) or (A)(4), 2903.08(A)(2), or former R.C. § 2903.07, or a municipal ordinance that is substantially equivalent to any of those

(6) A violation of R.C. § 1547.11(A);

(7) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(8) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A) or 1547.11(A);

(9) A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A) or 1547.11(A).

Equivalent offense that is vehicle-related means an equivalent offense that is any of the following:

(1) A violation described in division A., B., C., D. or E. of the definition for "equivalent offense" provided in this division (p);

(2) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A);

(3) A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A).

Mandatory jail term means the mandatory term in jail of three (3), six (6), ten (10), 20, 30 or 60 days that must be imposed under R.C. § 4511.19(G)(1)(a), (G)(1)(b), or (G)(1)(c) upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(1) Except as specifically authorized under R.C. § 4511.19, the term must be served in a jail;

(2) Except as specifically authorized under R.C. § 4511.19, the term cannot be suspended, reduced or otherwise modified pursuant to R.C. § 2929.21 through 2929.28 or any other provision of the Ohio Revised Code.

Municipal O.V.I. ordinance and *municipal O.V.I. offense* mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law references—Continuous alcohol monitoring, see R.C. § 4511.198; Disposition of fines, immobilization of vehicle and impoundment of license plates, criminal forfeiture for municipal

ordinance conviction, see R.C. § 4511.193; Effect of refusal to submit to test, seizure of license, suspension periods, appeal procedures, occupational driving privileges, and Indigent Drivers' Alcohol Treatment Funds, see R.C. § 4511.191; Judicial pretrial suspension, initial appearance, see R.C. § 4511.196; Mayor's Court to suspend driver's license, see R.C. § 1905.201; Seizure of vehicles upon arrest, see R.C. § 4511.195; Trial judge to suspend driver's license, see R.C. § 4510.05; R.C. § 4511.181; R.C. § 4511.19(A)—(F); R.C. § 4511.191(A), (D); R.C. § 4511.192; R.C. § 4511.194

434.03 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 for the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him or her to bring it to a stop within the assured clear distance ahead.

(b) It is prima facie lawful, in the absence of a lower limit declared or established pursuant to this section by the director of transportation or local authorities, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are erected, except that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (b)(4) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (b)(10) and (b)(11) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic-control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means all of the following:

1. Any school chartered under R.C. § 3301.16;
2. Any nonchartered school that during the preceding year filed with the department of education and workforce in compliance with O.A.C. 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;
3. Any special elementary school that in writing requests the county engineer to create a school zone at the location of the school. Upon receipt of the written request, the county engineer shall create a school zone at that location by erecting appropriate signs;
4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of 45 miles per hour or more, when the educational service center in writing requests that either the director of transportation or the county engineer, as applicable based on who has jurisdiction of the street or highway, to create a school zone at the location of that program. Upon receipt of such a written request, the director or the county engineer shall create a school zone at that location by erecting the appropriate signs.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the director of transportation or a request from a county engineer in the case of a school zone for a special elementary school, the director may extend the traditional school zone boundaries. The distances in divisions (b)(1)C.1. through (b)(1)C.3. below shall not exceed 300 feet per approach per direction, and are bounded by whichever of the following distances or combination thereof the director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of the highway.

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

E. As used in this division, "crosswalk" has the meaning given that term in R.C. § 4511.01(LL) (2).

F. The director may, upon request by resolution of the legislative authority and upon submission by the municipality of such engineering, traffic and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of a crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet in each appropriate direction of the state route.

G. As used in this section, "special elementary school" means a school that meets all of the following:

1. It is not chartered and does not receive tax revenue from any source.
2. It does not educate children beyond the eighth grade.
3. It is located outside the limits of a municipal corporation.
4. A majority of the total number of students enrolled at the school are not related by blood.
5. The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

(2) Twenty-five miles per hour in all other portions of the municipality, except on state routes outside business districts, through highways outside business districts and alleys;

(3) Thirty-five miles per hour on all state routes or through highways within the municipality outside business districts, except as provided in divisions (b)(4) and (b)(6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within the municipality, except as provided in divisions (b)(12), (b)(13), (b)(14), (b)(15), and (b)(16) of this section;

(5) Fifty-five miles per hour on highways outside the municipality, other than highways within island jurisdictions as provided in division (b)(8) of this section, highways as provided in divisions (b)(9) and (b)(10) of this section, and highways, expressways and freeways as provided in divisions (b)(12), (b)(13), (b)(14), and (b)(16) of this section;

(6) Fifty miles per hour on state routes within the municipality outside urban districts unless a lower prima facie speed is established as further provided in this section;

(7) Fifteen miles per hour on all alleys within the municipality;

(8) Thirty-five miles per hour on highways outside the municipality that are within an island jurisdiction;

(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two (2) or more counties;

(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under R.C. § 4511.21(H)(2);

(11) Fifty-five miles per hour on freeways with paved shoulders inside the municipality, other than freeways as provided in divisions (b)(14) and (b)(16) of this section;

(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (b)(13) and (b)(14) of this section;

(13) Sixty-five miles per hour on all rural expressways without traffic control signals;

(14) Seventy miles per hour on all rural freeways;

(15) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (b)(16) of this section;

(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.

(c) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) and (b)(9) of this section or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (d) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(d) No person shall operate a motor vehicle upon a street or highway as follows:

- (1) At a speed exceeding 55 miles per hour, except upon a two-lane state route as provided in division (b)(10) of this section and upon a highway, expressway or freeway as provided in divisions (b)(12), (b)(13), (b)(14), and (b)(16) of this section;
- (2) At a speed exceeding 60 miles per hour upon a two-lane state route as provided in division (b)(10) of this section and upon a highway as provided in division (b)(12) of this section;
- (3) At a speed exceeding 65 miles per hour upon an expressway as provided in division (b)(13) of this section or upon a freeway as provided in division (b)(16) of this section, except upon a freeway as provided in division (b)(14) of this section;
- (4) At a speed exceeding 70 miles per hour upon a freeway as provided in division (b)(14) of this section;
- (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the director has determined and declared a speed limit pursuant to R.C. § 4511.21(I)(2) or (L)(2).
- (e) Pursuant to R.C. § 4511.21(E), in every charge of violating this section, the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (c) of this section also the speed which division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) or (b)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21 declares is prima facie lawful at the time and place of the alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to stop within the assured clear distance ahead, the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.
- (f) Pursuant to R.C. § 4511.21(F), when a speed in excess of both a prima facie limitation and a limitation in division (d) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) or (b)(9) of this section, or of a limit declared or established pursuant to this section or R.C. § 4511.21 by the Director or local authorities, and of the limitation in division (d) of this section. If the court finds a violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) or (b)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21 has occurred, it shall enter a judgment of conviction under that division and dismiss the charge under division (d) of this section. If it finds no violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) or (b)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21, it shall then consider whether the evidence supports a conviction under division (d) of this section.
- (g) Pursuant to R.C. § 4511.21(G), points shall be assessed for a violation of a limitation under division (d) of this section in accordance with R.C. § 4510.036.
- (h) Whenever, in accordance with R.C. §§ 4511.21(H) through (N), the maximum prima facie speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on those signs. It is prima facie unlawful for any person to exceed the speed limits posted upon the signs.
- (i) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Commercial bus means a motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons for compensation.

Divided means a roadway having two (2) or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four (4) feet, excluding turn lanes.

Interstate system has the same meaning as in 23 U.S.C. 101.

Noncommercial bus includes, but is not limited to, a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

Outerbelt means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.

Rural means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.

Urbanized area has the same meaning as in 23 U.S.C. § 101.

(j) *Penalty.*

(1) A violation of any provision of this section is one (1) of the following:

A. Except as otherwise provided in divisions (j)(1)B., (j)(1)C., and (j)(2) and (j)(3) of this section, a minor misdemeanor;

B. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of any provision of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the fourth degree;

C. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of any provision of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the third degree.

(2) If the offender operated a motor vehicle faster than 35 miles per hour in a business district of the municipality, faster than 50 miles per hour in other portions of the municipality, or faster than 35 miles per hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

Division (j)(2) of this section does not apply if penalties may be imposed under division (j)(1)(b) or (c) of this section.

(3) Notwithstanding division (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with R.C. § 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two (2) times the usual amount imposed for the violation. No court shall impose a fine of two (2) times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. § 4511.21(A)—(G), (O), (P)

434.04 Speed limits on private roads and driveways.

(a) The owner of a private road ~~or driveway~~ located in a private residential area containing 20 or more dwelling units may establish a speed limit on the road ~~or driveway~~ by complying with all of the following requirements:

(1) The speed limit is not less than 25 miles per hour and is indicated by a sign that is in a proper position, is sufficiently legible to be seen by an ordinarily observant person, and meets the specifications for the basic speed limit sign included in the manual adopted by the department of transportation pursuant to R.C. § 4511.09;

(2) The owner has posted a sign at the entrance of the private road ~~or driveway~~ that is in plain view and clearly informs persons entering the road ~~or driveway~~ that they are entering private property, a speed limit has been established for the road ~~or driveway~~, and the speed limit is enforceable by law enforcement officers under state law.

(b) No person shall operate a vehicle upon a private road ~~or driveway~~ as provided in division (a) of this section at a speed exceeding any speed limit established and posted pursuant to division (a).

(c) When a speed limit is established and posted in accordance with division (a) of this section, a law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in R.C. § 4511.091 or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.

(d) Pursuant to R.C. § 4511.211(D), points shall be assessed for violation of a speed limit established and posted in accordance with division (a) of this section in accordance with R.C. § 4510.036.

(e) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Owner includes, but is not limited to, a person who holds title to the real property in fee simple, a condominium owners' association, a property owners' association, a board of directors or trustees of a private community, and a nonprofit corporation governing a private community.

Private residential area containing 20 or more dwelling units does not include a Chautauqua assembly as defined in R.C. § 4511.90.

(f) *Penalty.*

(1) A violation of division (b) of this section is one (1) of the following:

A. Except as otherwise provided in divisions (f)(1)B. and (f)(1)C. of this section, a minor misdemeanor;

B. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the fourth degree;

C. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the third degree.

(2) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.211

434.10 Vehicular homicide; vehicular manslaughter; vehicular assault.

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

(1) A. As the proximate result of committing an OVI offense, ~~a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;~~

~~B. As the proximate result of committing a violation of R.C. § 1547.11(A) or of a substantially equivalent municipal ordinance;~~

~~C. As the proximate result of committing a violation of R.C. § 4561.15(A)(3) or of a substantially equivalent municipal ordinance.~~

(2) In one (1) of the following ways:

A. Recklessly;

B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility truck, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (d) of this section.

(3) In one of the following ways:

A. Negligently;

B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility truck, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (d) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Tit. 45 that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in R.C. Tit. 45 that is a minor misdemeanor.

(b) (1) Whoever violates division (a)(1) or (a)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.

(2) A. Whoever violates division (a)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (a)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Ch. 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

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

(3) A. Whoever violates division (a)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Ch. 4510 or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense.

B. In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6); or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter or assault offense, or a traffic-related murder, felonious assault or attempted murder offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(c) The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (a)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(d) Divisions (a)(2)B. and (a)(3)B. of this section do not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under R.C. § 5501.27. The failure to erect signs of the type described in R.C. § 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (a)(1), (a)(2)A., (a)(3)A. or (a)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

(e) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Construction zone has the same meaning as in R.C. § 5501.27.

Mandatory prison term and *mandatory jail term* have the same meanings as in R.C. § 2929.01.

Motor vehicle, utility truck, mini-truck have the same meanings as in R.C. § 4501.01.

OVI offense means a violation of R.C. § 4511.19(A), a violation of R.C. § 1547.11(A), a violation of R.C. § 4561.15(A)(3), or a substantially equivalent municipal ordinance.

Reckless operation offense means a violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

Speeding offense means a violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

Traffic-related homicide, manslaughter or assault offense means a violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. § 2903.06 or 2903.08, or a violation of R.C. § 2903.06 or 2903.08 as they existed prior to March 23, 2000.

Traffic-related murder, felonious assault or attempted murder offense means a violation of R.C. § 2903.01 or 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

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

(f) *Vehicular assault.*

(1) No person, while operating or participating in the operation of a motor vehicle or motorcycle, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (f)(4) of this section.

(2) A. Except as otherwise provided in this division, vehicular assault committed in violation of division (f)(1) of this section is a misdemeanor of the first degree. Vehicular assault committed in violation of division (f)(1) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension imposed under R.C. Ch. 4510 or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of division (f)(1) of this section, R.C. § 2903.08, or any traffic-related homicide, manslaughter, or assault offense.

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

(3) The court shall impose a mandatory jail term of at least seven (7) days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (f)(1) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(4) Division (f)(1) of this section does not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under R.C. § 5501.27.

(5) As used in this division (f):

A. *Construction zone* has the same meaning as in R.C. § 5501.27.

B. *Mandatory jail term* has the same meaning as in R.C. § 2929.01.

C. *Speeding offense* has the same meaning as in R.C. § 2903.06.

D. *Traffic-related homicide, manslaughter, or assault offense* has the same meaning as in R.C. § 2903.06.

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

(Ord. No. 26-2024, § 1(Exh. A), 11-21-2024)

State law references—Vehicular assault and aggravated vehicular assault, felony offenses, see R.C. § 2903.08; Trial court to suspend driver's license, see R.C. §§ 4510.05, 4510.10; R.C. 2903.08(A)(3), (C)(3), (D)(3), (E)—(G); R.C. § 2903.06

434.11 Operation restricted for low-speed, under-speed, or utility vehicles.

(a) As used in this section and R.C. §§ 4511.215 and 4511.216 of the Revised Code, "low-speed vehicle," "mini-truck," "under-speed vehicle," and "utility vehicle" have the same meanings as in R.C. § 4501.01.

(b)(1) No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than 35 miles per hour.

(2) No person shall operate an under-speed or utility vehicle or a mini-truck upon any street or highway except as follows:

A. Upon a street or highway having an established speed limit not greater than 35 miles per hour and only upon such streets or highways where the municipality has granted permission for such operation in accordance with division (e) of this section;

B. A state park or political subdivision employee or volunteer operating a utility vehicle exclusively within the boundaries of state parks or political subdivision parks for the operation or maintenance of state or political subdivision park facilities.

(3) No person shall operate a motor-driven cycle or motor scooter upon any street or highway having an established speed limit greater than 45 miles per hour.

(~~b~~c) This section does not prohibit either of the following:

(1) A person operating a low-speed, under-speed, or utility vehicle or a mini-truck from proceeding across an intersection of a street or highway having a speed limit greater than 35 miles per hour;

(2) A person operating a motor-driven cycle or motor scooter from proceeding across an intersection of a street or highway having a speed limit greater than 45 miles per hour.

(~~e~~d) Nothing in this section shall prevent the municipality from adopting more stringent local ordinances, resolutions, or regulations governing the operation of a low-speed vehicle or a mini-truck, or a motor-driven cycle or motor scooter.

(~~d~~e) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(~~e~~f) By ordinance or resolution, the municipality may authorize the operation of under-speed or utility vehicles or mini-trucks on a public street or highway under its jurisdiction. The municipality shall do all of the following:

(1) Limit the operation of those vehicles to streets and highways having an established speed limit not greater than 35 miles per hour;

(2) Require the vehicle owner who wishes to operate an under-speed or utility vehicle or a mini-truck on the public streets or highways to submit the vehicle to an inspection conducted by a local law enforcement agency that complies with inspection requirements established by the Department of Public Safety under R.C. § 4513.02;

(3) Permit the operation on public streets or highways of only those vehicles that successfully pass the required vehicle inspection, are registered in accordance with R.C. Ch. 4503, and are titled in accordance with R.C. Ch. 4505;

(4) Notify the director of public safety, in a manner the director determines, of the authorization for the operation of under-speed or utility vehicles or mini-trucks.

(fg) The municipality may establish additional requirements for the operation of under-speed or utility vehicles or mini-trucks on its streets and highways.

(gh) Notwithstanding divisions (a) through (fg) of this section, a person may operate a utility vehicle on any public roads or right-of-way, other than a freeway, when traveling from one (1) farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in R.C. § 4513.112.

(hi) (1) Except as provided in this division (h) and divisions (e) and (f) of this section, no person shall operate a mini-truck within this municipality.

(2) A person may operate a mini-truck on a farm for agricultural purposes only when the owner of the farm qualifies for the current agricultural use valuation tax credit. A mini-truck may be operated by or on behalf of such a farm owner on public roads and rights-of-way only when traveling from one (1) farm field to another.

(3) A person may operate a mini-truck on property owned or leased by a dealer who sells mini-trucks at retail.

(4) Whoever violates this division (h) shall be penalized as provided in division (d) of this section.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4511.214, 4511.215, 4511.216, 4519.401

CHAPTER 436. LICENSING; ACCIDENTS*

436.04 Certain acts prohibited.

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

(1) Display or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display, or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the registrar of motor vehicles, upon the registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact or present any physician's statement required under R.C. § 4507.08 or 4507.081 when knowing the same to be false or fictitious.

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

State law reference—R.C. § 4507.30

436.071 Driving under suspension or in violation of license restriction.

(a) Driving under suspension or in violation of license restriction.

(1) Except as provided in division (a)(2) of this section, division (b) of this section, section 436.074 and in R.C. §§ 4510.111 and 4510.16, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Revised Code, other than R.C. Ch. 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(2) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under R.C. § 4506.10(D) or 4507.14.

(3) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a)(1) or (a)(2) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (a)(1) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of division (a)(2) of this section. The person charged with a violation of division (a)(1) or (a)(2) of this section may offer evidence to rebut this prima facie evidence.

(4) A. Whoever violates division (a)(1) or (a)(2) of this section is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

B. 1. Except as provided in division (a)(4)B.2. or (a)(4)B.3. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to one (1) violation of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal

ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for 30 days and the impoundment of that vehicle's license plates for 30 days in accordance with R.C. § 4503.233.

2. If the vehicle is registered in the offender's name and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of this section, or any combination of two (2) violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the immobilization of the vehicle involved in the offense for 60 days and the impoundment of that vehicle's license plates for 60 days in accordance with R.C. § 4503.233.

3. If the vehicle is registered in the offender's name and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of this section, or any combination of three (3) or more violations of this section or R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the criminal forfeiture of the vehicle involved in the offense to the state.

(5) Any order for immobilization and impoundment under this section shall be issued and enforced under R.C. §§ 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(6) Any order of criminal forfeiture under this section shall be issued and enforced under R.C. § 4503.234. Upon receipt of the copy of the order from the court, neither the registrar of motor vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five (5) years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(7) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 698.02(f) or R.C. § 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(b) Driving under suspension in violation of other provisions.

(1) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality whose driver's or commercial driver's license has been suspended pursuant to R.C. § 2151.354, ~~2151.87~~, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22, or 4510.33, or a substantially equivalent municipal ordinance.

(2) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (b)(1) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (b)(1) of this section. The person charged with a violation of division (b)(1) of this section may offer evidence to rebut this prima facie evidence.

(3) Whoever violates division (b)(1) of this section is guilty of driving under suspension and shall be punished as provided in division (b)(3)A. or division (b)(3)B. of this section.

A. Except as otherwise provided in division (b)(3)B. of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to sections 698.02, 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 698.02(d) or R.C. § 2929.26; notwithstanding section 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00; and, notwithstanding section 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to section 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

B. If, within three (3) years of the offense, the offender previously was convicted of or pleaded guilty to two (2) or more violations of division (b)(1) of this section, or any combination of two (2) or more violations of division (b)(1) of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree, and the offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to R.C. § 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(c) *Repeat traffic offender; point system suspension.* Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under R.C. § 4510.037 and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a 12-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three (3) days in jail. No court shall suspend the first three (3) days of jail time imposed pursuant to this division.

(d) It is an affirmative defense to any prosecution brought under division (a) (b), or (c) of this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4510.037(J), 4510.04, 4510.11, 4510.111

436.074 Driving under financial responsibility law suspension or cancellation, driving under a nonpayment of judgment suspension.

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to R.C. Ch. 4509, shall operate any motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period of the suspension or cancellation, except as specifically authorized by R.C. Ch. 4509. ~~No person shall operate a motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period in which the person is required by R.C. § 4509.45 to file and maintain proof of financial responsibility for a violation of R.C. § 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.~~

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to R.C. § 4509.37 or 4509.40 for nonpayment of a judgment.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a) or (b) of this section may be admitted into evidence as prima facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of division (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of division (b) of this section. The person charged with a violation of division (a) or (b) of this section may offer evidence to rebut this prima facie evidence.

(d) Whoever violates division (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in this division (d)(1) to (3). Whoever violates division (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in this division (d)(1) to (3).

(1) Except as otherwise provided in this division (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 698.02, 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 698.02(d) or R.C. § 2929.26; notwithstanding section 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00; and, notwithstanding section 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to section 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three (3) years of the offense, the offender previously was convicted of or pleaded guilty to two (2) or more violations of this section, or any combination of two (2) violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

3) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to

any other penalties provided by law, the court may order restitution pursuant to R.C. § 2929.1 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(e) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

State law references—Immobilization of vehicle; impoundment of license plates; criminal forfeiture of vehicle, see R.C. § 4510.161; R.C. §§ 4510.04, 4510.16

436.09 Display of license plates; registration; obstructions.

(a) (1) ~~No~~ Subject to R.C. § 4503.211, no person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under R.C. §§ 4503.19 and 4503.191. However, a commercial tractor shall display the license plate on the front of the commercial tractor.

(2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(3) ~~No~~ Subject to R.C. § 4503.211, no person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under R.C. § 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.

(4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.

(b) Except as otherwise provided by R.C. §§ 4503.103, 4503.107, 4503.173, 4503.41, 4503.43 and 4503.46, no person who is the owner or chauffeur of a motor vehicle operated or driven upon the public roads or highways shall fail to file annually the application for registration or to pay the tax therefor.

(c) (1) Within 30 days of becoming a resident of this state, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this state. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this state under a license issued by another state.

2) For purposes of division (c)(1) of this section, "resident" means any person to whom any of the following applies:

A. The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.

B. The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under R.C. § 4507.01.

(d) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner immediately shall remove the license plates from the motor vehicle, except as otherwise provided in R.C. § 4503.12.

(e) No person shall operate or drive upon the highways of this municipality a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration.

(f) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the highways of this municipality while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this state relating to the registration and identification of motor vehicles.

(g) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates for any period of time which has expired, or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

(h) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for the vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

(i) No person shall operate a motor vehicle, upon which license plates are required by law to be displayed, unless the license plates legally registered and issued for the vehicle are fastened in such a manner, and not covered, obscured or concealed by any part or accessory of the vehicle, to be readable in their entirety from left to right.

(j) (1) A. Whoever violates division (a) of this section is guilty of a minor misdemeanor.

B. The offenses established under division (a) of this section are strict liability offenses and R.C. § 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(2) Whoever violates division (b) of this section is guilty of a minor misdemeanor.

(3) A. Whoever violates division (c) of this section is guilty of a minor misdemeanor.

B. The offense established under division (j)(3)A. of this section is a strict liability offense and strict liability is a culpable mental state for purposes of R.C. § 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(4) Whoever violates division (d) of this section is guilty of a misdemeanor of the fourth degree.

(5) Whoever violates division (e) of this section is guilty of operation of a motor vehicle bearing license plates or an identification mark issued to another, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(6) Whoever violates division (f) of this section is guilty of illegal operation by a resident of this state of a motor vehicle bearing the distinctive number or identification mark issued by a foreign jurisdiction, a minor misdemeanor.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4503.11(A), (D), 4503.111(A)—(C), 4503.12(A), (D), 4503.21(A)—(C), 4549.11(A), (B), 4549.12(A), (B)

436.14 Removal of vehicles after accidents.

(a) If a motor vehicle accident occurs on any highway, public street, or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, a public safety official may do either of the following without the consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident:

(1) Remove, or order the removal of, the motor vehicle if the motor vehicle is unoccupied, cargo, or personal property from the portion of the highway, public street, or property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel.

(2) If the motor vehicle is a commercial motor vehicle, allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the public safety official. If the public safety official determines that the motor vehicle cannot be removed within the specified period of time, the public safety official shall remove or order the removal of the motor vehicle.

(b) (1) Except as provided in division (b)(2) of this section, the department of transportation, any employee of the department of transportation, or a public safety official who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, regardless of whether the removal is executed by a private towing service, is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Further, except as provided in division (b)(2) of this section, if a public safety official authorizes, employs, or arranges to have a private towing service remove any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, that private towing service is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property.

(2) Division (b)(1) of this section does not apply to any of the following:

A. Any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (a) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway;

B. A private towing service that was not authorized, employed, or arranged by a public safety official to remove an unoccupied motor vehicle, cargo, or personal property under this section;

C. Except as provided in division (b)(2)D. of this section, a private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property but the private towing service performed the removal in a negligent manner;

D. A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety but the private towing service performed the removal in a reckless manner.

(c) R.C. § 2930.11 does not apply with regard to the payment of fees for motor vehicle removal and storage under this section.

(d) As used in divisions (a) and (b) of this section:

(1) *Hazardous material* has the same meaning as in R.C. § 2305.232.

(2) *Public safety official* means any of the following:

A. The sheriff of the county, or the chief of a law enforcement agency in the municipal corporation, township, or township, port authority, conservancy district, university campus police department, park district police force, or joint police district, in which the accident occurred;

B. A state highway patrol trooper;

C. The chief of the fire department having jurisdiction where the accident occurred;

D. A duly authorized subordinate acting on behalf of an official specified in divisions A. to C. of this definition;

E. A natural resource officer or a wildlife officer.

(d) If a towing service is removing a motor vehicle, and the removal was not authorized under R.C. § 4513.60, 4513.601, 4513.61, or 4513.66, or any substantially equivalent municipal ordinance, prior to removing the motor vehicle, the towing service shall provide a written estimate of the price for the removal to the operator of the motor vehicle, if requested.

(e) The towing service shall ensure that any estimate provided under division (d) of this section includes the fees, services to be rendered, and destination of the vehicle.

(f) If a towing service fails to provide a written estimate as required by this section, the towing service shall not charge fees for the towing and storage of the motor vehicle that exceed 25 percent of any applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25(B)(4) or, if the vehicle was towed within a municipal corporation that has established vehicle removal and storage fees, 25 percent of the fees established by the municipal corporation.

(g) Any storage facility that accepts towed vehicles shall conspicuously post a notice at the entrance to the storage facility that states the limitation on fees established under division (f) of this section.

(Ord. No. 01-2024, § 6, 1-11-2024; Ord. No. 26-2024, § 1(Exh. A), 11-21-2024)

State law reference—R.C. §§ 4513.66, 4513.68

438.24 Tinted glass; materials on glass.

(a) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements concerning tinted glass and reflectorized material of R.C. § 4513.241 and of any applicable rule adopted under that section.

(b) No person shall install in or on any motor vehicle any glass or other material that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(c) (1) No used motor vehicle dealer or new motor vehicle dealer, as defined in R.C. § 4517.01, shall sell any motor vehicle that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(2) No manufacturer, remanufacturer, or distributor, as defined in R.C. § 4517.01, shall provide to a motor vehicle dealer licensed under R.C. Ch. 4517 or to any other person, a motor vehicle that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(d) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.

(e) This section does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by Federal Motor Vehicle Safety Standard No. 205.

(f) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this division does not apply to any school bus used to transport a child with disabilities pursuant to R.C. Ch. 3323, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "child with disabilities" has the same meaning as in R.C. § 3323.01.

(g) This section does not apply to any school bus that is to be sold and operated outside the municipality.

(h) (1) This section does not apply to a motor vehicle used by a law enforcement agency when the motor vehicle is used by the law enforcement agency for a purpose within the scope of the law enforcement agency's duties. ~~under either of the following circumstances:~~

~~A. The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or other activity requiring that the presence and identity of the vehicle occupants be undisclosed.~~

~~B. The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.~~

(2) As used in this division, "law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

(i) (1) Whoever violates division (a), (c)(2) or (d) of this section is guilty of a minor misdemeanor.

(2) Whoever violates division (c)(1) of this section is guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(3) A. Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.

B. In addition to any other penalty imposed under this section, whoever violates division (b) of this section is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.

C. In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (b) of this section and the offender is a motor vehicle repair operator registered under R.C. Ch. 4775 or a motor vehicle dealer licensed under R.C. Ch. 4517, whoever violates division (b) of this section is subject to a registration or license suspension, as applicable, for a period of not more than 180 days.

State law references—R.C. §§ 4513.241(C)—(K); Administrative regulations, see O.A.C. Chapter 4501-41;

438.26 Motor vehicle stop lights.

(a) (1) Every motor vehicle, trailer, semitrailer and pole trailer when operated upon a highway shall be equipped with two (2) or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles and motor-driven cycles shall be equipped with at least one (1) stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. These stop lights when actuated shall emit a red light visible from a distance of 500 feet to the rear; provided that in the case of a train of vehicles only the stop lights on the rearmost vehicle need be visible from the distance specified.

(2) These stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

(3) When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under R.C. § 4513.19.

(4) ~~Historical~~ A historical motor vehicles as defined in R.C. § 4503.181, vehicle that was not originally manufactured with stop lights or a replica motor vehicle that replicates a motor vehicle that was not originally manufactured with stop lights, are is not subject to this section.

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

(c) As used in this section, “replica motor vehicle” means a replica motor vehicle for which a certificate of title is issued under R.C. § 4505.072.

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

State law reference—R.C. § 4513.071

438.29 Use of child restraints.

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four (4) years of age;
- (2) A child who weighs less than 40 pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school or child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four (4) years of age;
- (2) A child who weighs less than 40 pounds.

(c) When any child who is less than eight (8) years of age and less than four (4) feet nine (9) inches in height, who is not required by division (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01 or a vehicle that is regulated under R.C.

§ 5104.015, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight (8) years of age but not older than 15 years of age, and who is not otherwise required by division (a), (b), or (c) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in R.C. § 4513.263.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed.

(f) The director of public safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or in an occupant restraining device as required in this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under R.C. Ch. 4731, a clinical nurse specialist or

certified nurse practitioner licensed to practice in this state under Chapter 4723 of the Revised Code, or a chiropractor licensed to practice in this state under R.C. Ch. 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse, or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) (1) Whoever violates division (a), (b), (c), or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one (1) child in a child restraint system, booster seat or occupant restraining device as required by this section that occurred at the same time, on the same day and at the same location is deemed to be a single violation of this section:

A. Except as otherwise provided in division (j)(1)B. of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than \$25.00 nor more than \$75.00.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially equivalent any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (j)(1) of this section shall be forwarded to the state treasurer for deposit in the child highway safety fund created by R.C. § 4511.81(I).

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4511.81(A)—(H), (K), (L)

CHAPTER 440. COMMERCIAL AND HEAVY VEHICLES*

440.08 Occupying travel trailer or manufactured home while in motion.

(a) As used in this section:

(1) "Fifth wheel trailer," "mobile home," and "travel trailer" have the same meanings as in R.C. § 4501.01.

(2) "Manufactured home" has the same meaning as in R.C. § 3781.06(C)(4).

(b) Except as provided in division (b) of this section, no person shall occupy any travel trailer, faith wheel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b) Division (a) of this section does not apply to a fifth wheel trailer when both of the following apply:

(1) Any child riding in the fifth wheel trailer is properly secured in the manner provided in R.C. § 4511.81-;

(2) The operator of the vehicle towing the fifth wheel trailer has some means of viable communication with the passengers riding in the trailer.

As used in this division, "viable communication" includes a cellular or satellite telephone, a radio, any other similar electronic wireless communications device.

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(ed) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(de) The offense established under this section is a strict liability offense and R.C. § 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. § 4511.701

CHAPTER 442. DRIVERS OF COMMERCIAL VEHICLES*

442.01 Definitions.

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

Alcohol concentration means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:

- (1) One hundred milliliters of whole blood, blood serum or blood plasma;
- (2) Two hundred ten liters of breath;
- (3) One hundred milliliters of urine.

Commercial driver's license means a license issued in accordance with R.C. Ch. 4506 that authorizes an individual to drive a commercial motor vehicle. Except as otherwise specifically provided, "commercial driver's license" includes an "enhanced commercial driver's license."

Commercial driver's license information system means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C. App. 2701.

***Cross references**—Driving under the influence, generally, see section 434.01; Load limits, see section 440.01; Route and load information, see section 440.09; Stopping after accidents, generally, see sections 436.11, 436.12

State law references—Arrest notice of drivers, see R.C. § 5577.14; Hours of service of truck drivers, see R.C. § 4921.30; Warning devices when disabled on freeways, see R.C. § 4513.28

Commercial motor vehicle means, except when used in R.C. § 4506.25, any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

- (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more, provided that the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;

(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;

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(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport 16 or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under 49 C.F.R. Part 172, Subpart F, as amended; or

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells and a portable crane.

Controlled substance includes all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C. 802(6), as amended;

(2) Any substance included in Schedules I through V of 21 C.F.R. Part 1308, as amended;

(3) Any drug of abuse.

Conviction means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

Disqualification means any of the following:

(1) The suspension, revocation or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight or vehicle defect violations;

(3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

Domiciled means having a true, fixed, principal, and permanent residence to which an individual intends to return.

Downgrade means any of the following, as applicable:

(1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in R.C. § 4506.10(A)(1);

(2) A change to a lesser class of vehicle;

(3) Removal of commercial driver's license privileges from the individual's driver's license;

Drive means to drive, operate or be in physical control of a motor vehicle.

Driver means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

Driver's license means a license issued by the Bureau of Motor Vehicles that authorizes an individual to drive.

Drug of abuse means any controlled substance, dangerous drug as defined in R.C. § 4729.01, harmful intoxicant as defined in R.C. § 2925.01 or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

Electronic device includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.

Eligible unit of local government means a village, township or county that has a population of not more than 3,000 persons according to the most recent federal census.

Employer means any person, including the federal government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

Endorsement means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

Enhanced commercial driver's license means a commercial driver's license issued in accordance with sections R.C. §§ 4507.021 and 4506.072 that denotes citizenship and identity and is approved by the United States secretary of homeland security or other designated federal agency for purposes of entering the United States.

Farm truck means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than 150 miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than 150 miles, of supplies for the farm, including tile, fence and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals and things used for breeding, feeding or other purposes connected with the operation of the farm, when the truck is operated in accordance with this definition and is not used in the operations of a motor carrier, as defined in R.C. § 4923.01.

Fatality means the death of a person as the result of a motor vehicle accident occurring not more than 365 days prior to the date of death.

Felony means any offense under federal or state law that is punishable by death or imprisonment for a term exceeding one (1) year and includes any offense specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

Foreign jurisdiction means any jurisdiction other than a state.

Gross vehicle weight rating means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

Hazardous materials means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under 49 C.F.R. Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73, as amended.

Imminent hazard means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury or a substantial endangerment to health, property or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of death, illness, injury or endangerment.

Medical variance means one (1) of the following received by a driver from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

- (1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. part 381, subpart C or 49 C.F.R. § 391.64;
- (2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. § 391.49.

Mobile telephone means a mobile communication device that falls under or uses any commercial mobile radio service as defined in 47 C.F.R. part 20, except that mobile telephone does not include two-way or citizens band radio services.

Motor vehicle means a vehicle, machine, tractor, trailer or semitrailer propelled or drawn by mechanical power used on highways, except that the term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.

Out-of-service order means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that the driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.

Peace officer has the same meaning as in R.C. § 2935.01.

Portable tank means a liquid or gaseous packaging designed primarily to be loaded on or temporarily attached to a vehicle and equipped with skids, mountings or accessories to facilitate handling of the tank by mechanical means.

Public safety vehicle has the same meaning as in R.C. § 4511.01(E)(1) and (E)(3).

Recreational vehicle includes every vehicle that is defined as a recreational vehicle in R.C. § 4501.01 and is used exclusively for purposes other than engaging in business for profit.

Residence means any person's residence determined in accordance with standards prescribed in the rules adopted by the registrar.

School bus has the same meaning as in R.C. § 4511.01.

Serious traffic violation means any of the following:

- (1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of R.C. § 4506.03;
- (2) A. Except as provided in division (2)B. of this definition, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially equivalent law of another state or political subdivision of another state, prohibiting either of the following:
 - 1. Texting while driving;
 - 2. Using a handheld mobile telephone.

B. It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.

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(3) A conviction arising from the operation of any motor vehicle that involves any of the following:

- A. A single charge of any speed in excess of the posted speed limit by 15 miles per hour or more;
- B. Violations of R.C. § 4511.20 or 4511.201 or any substantially equivalent ordinance or resolution, or of any substantially equivalent law of another state or political subdivision of another state;
- C. Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any substantially equivalent law of another state or political subdivision of another state, that results in a fatal accident;
- D. Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;
- E. Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;
- F. Violation of R.C. § 4511.33 or 4511.34, or any municipal ordinance or county or township resolution substantially equivalent to either of those sections, or any substantially equivalent law of another state or political subdivision of another state;
- G. Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:
 - 1. It relates to traffic control, other than a parking violation;
 - 2. It is determined to be a serious traffic violation by the United States Secretary of Transportation and is designated by the director as such by rule.

State means a state of the United States and includes the District of Columbia.

Tank vehicle means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more. The term does not include a commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, has a rated capacity of 1,000 gallons or more, and is temporarily attached to a flatbed trailer.

Tester means a person or entity acting pursuant to a valid agreement entered into pursuant to R.C. § 4506.09(B).

Texting means manually entering alphanumeric text into, or reading text from, an electronic device. "Texting" includes short message service (SMS), e-mail, instant messaging, a command or request to access a world wide web page, pressing more than a single button to initiate or terminate a voice communication using a mobile

telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. "Texting" does not include the following:

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- (1) Using voice commands to initiate, receive, or terminate a voice communication using a mobile telephone;
- (2) Inputting, selecting, or reading information on a global positioning system or navigation system;
- (3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or
- (4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player.

Texting while driving means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.

United States means the 50 states and the District of Columbia.

Upgrade means a change in the class of vehicles, endorsements, or self-certified status as described in R.C. § 4506.10(A)(1) that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter or R.C. Ch. 4506.

Use of a handheld mobile telephone means:

- (1) Using at least one (1) hand to hold a mobile telephone to conduct a voice communication;
- (2) Dialing or answering a mobile telephone by pressing more than a single button; or
- (3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, or restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

Vehicle has the same meaning as in R.C. § 4511.01.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. § 4506.01

CHAPTER 444. BICYCLES AND MOTORCYCLES GENERALLY*

CHAPTER 446. SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES*

CHAPTER 448. WATERCRAFT*

TITLE EIGHT. PARKING

452.03 Prohibited standing or parking places.

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

- (1) On a sidewalk, except as provided in division (b) of this section;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten (10) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any ~~flashing beacon~~ yield sign, stop sign or highway traffic-control device signal;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when the standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- (14) At any place where signs prohibit stopping;
- (15) Within one (1) foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway or thruway;
- (17) On a bicycle lane.

(b) A person is permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than 150 cubic centimeters, a low-speed micromobility device, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, low-speed micromobility device, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of R.C. § 4511.711, or any substantially equivalent municipal ordinance.

(c) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been

convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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Cross reference—R.C. § 4511.68

452.05 Willfully leaving vehicles on private or public property.

(a) The county sheriff or chief of a law enforcement agency, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that:

- (1) Has come into the possession of the sheriff, chief, or state highway patrol trooper, or officer as a result of the performance of the sheriff's, chief's, officer's, or trooper's duties; or
- (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the sheriff, department, or chief of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
 - A. The vehicle was involved in an accident and is subject to R.C. § 4513.66, or any substantially equivalent municipal ordinance;
 - B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the sheriff, chief, officer, or trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the sheriff, chief, officer, or trooper. If the sheriff, chief officer, or trooper determines that the vehicle cannot be removed within the specified period of time, the sheriff, chief, officer, or trooper shall order the removal of the vehicle.
- (3) Subject to division (c) of this section, the sheriff, department, or chief shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the sheriff, chief, officer, or trooper issues an order under division (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the sheriff or chief of police not more than two (2) hours after the time it is removed.

(c) (1) The sheriff or chief shall cause a search to be made of the records of an applicable entity listed in R.C. § 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the sheriff or chief, officer, or trooper within five (5) business days of the removal of the vehicle. Upon obtaining such identity, the sheriff or chief shall send or cause notice to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten (10) days of the date of the sending of the notice.

(2) The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. R.C. § 2930.11 does not apply with regard to the payment of fees for motor vehicle removal and storage under this section.

~~A. The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.~~ Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under R.C. § 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under R.C. § 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the sheriff, chief of police, officer, or trooper, as applicable, to be necessary to a criminal investigation;
2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

B. For purposes of division (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of \$25.00, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten (10) days of the date of sending the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the sheriff or chief, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the sheriff or chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two (2) copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within 30 days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

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

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

(g) *Abandonment of junk motor vehicle prohibited.*

(1) A. No person shall willfully leave an abandoned junk motor vehicle, as defined in R.C. § 4513.63, on private property for more than 72 hours without the permission of the person having the right to the

possession of the property, or on a public street or other property open to the public for purpose of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the chief of a law enforcement agency of the reason for leaving the motor vehicle in that place.

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B. For purposes of this division (g)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

C. Nothing contained in this section and R.C. §§ 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the municipality.

(2) Whoever violates this division (g) is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle, less any money accruing to the municipality from the disposal.

(Ord. No. 01-2024, § 6, 1-11-2024; Ord. No. 26-2024, § 1(Exh. A), 11-21-2024)

State law reference—R.C. §§ 4513.61, 4513.64

452.06 Parking prohibitions on private property; private tow-away zones.

(a) (1) The sheriff or chief of a law enforcement agency, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in R.C. § 4513.63, that has been left on private residential or private agricultural property for at least four (4) hours without the permission of the person having the right to the possession of the property. The sheriff or chief of police, upon complaint of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this division, the sheriff or chief of police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

(2) A towing service towing a motor vehicle under division (a)(1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the sheriff or chief not more than two (2) hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two (2) hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(3) Subject to division (b) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (d) of this section.

(4) As used in this section, "private residential property" means private property on which is located one (1) or more structures that are used as a home, residence, or sleeping place by one (1) or more persons, if no more than three (3) separate households are maintained in the structure or structures. The phrase does not include any private property on which is located one (1) or more structures that are used as a home, residence, or sleeping place by two (2) or more persons, if more than three (3) separate households are maintained in the structure or structures.

(b) (1) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half (½) of the

fee for the removal of the motor vehicle established by the public utilities commission in rules adopted under R.C. § 4921.25, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half (½) of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

(2) Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(c) (1) The sheriff and chief of a law enforcement agency shall maintain a record of motor vehicles that the sheriff or chief of police orders into storage pursuant to division (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The sheriff or chief of police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(2) Any person who registers a complaint that is the basis of the sheriff's or chief's order for the removal and storage of a motor vehicle under division (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(d) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section may reclaim it upon both of the following:

A. Payment of all applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25 or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation. R.C. § 2930.11 does not apply with regard to the payment of fees for motor vehicle removal and storage under this section.

B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

(2) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under R.C. § 4513.611.

(3) Upon presentation of proof of ownership as required under division (d)(1)B. of this section, the owner of a motor vehicle that is ordered into storage under division (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under R.C. § 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice

required under R.C. § 4513.69(B)(3), if applicable. The owner of a motor vehicle shall not do either of the following:

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A. Retrieve any personal item that has been determined by the sheriff or chief of police, as applicable, to be necessary to a criminal investigation;

B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

(4) For purposes of division (d)(3) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(5) If a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section remains unclaimed by the owner for 30 days, the procedures established by R.C. §§ 4513.61 and 4513.62 apply.

(e) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (a)(1) of this section or R.C. §§ 4513.61 to 4513.65.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (h) of this section or R.C. § 4513.601.

(g) Whoever violates division (e) of this section is guilty of a minor misdemeanor.

(h) *Private tow-away zones.*

(1) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

A. The owner of the private property posts on the property a sign, that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that includes all of the following information:

1. A statement that the property is a tow-away zone;
2. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.
3. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
4. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

5. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in R.C. § 4505.101(B).

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6. In order to comply with the requirements of division (h)(1)A. of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

B. A towing service ensures that a vehicle towed under this division (h) is taken to a location from which it may be recovered that complies with all of the following:

1. It is located within 25 linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within 25 linear miles.
2. It is well-lighted.
3. It is on or within a reasonable distance of a regularly scheduled route of one (1) or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(2) A. If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (h)(1) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this division (h). The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in R.C. § 4505.101. The owner or lienholder of a vehicle that has been removed under this division (h), subject to division (h)(3) of this section, may recover the vehicle in accordance with division (h)(7) of this section.

B. If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (h)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.

C. No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(3) If the owner or operator of a vehicle that is being removed under authority of division (h)(2) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half (½) of the fee for the removal of the vehicle established by the public utilities commission in rules adopted under R.C. § 4921.25 in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private

property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

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(4) A. Prior to towing a vehicle under division (h)(2) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (h)(1) of this section. The towing service shall record the time and date of the photographs taken under this division (h). The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least 30 days after the date on which the vehicle is recovered by the owner or lienholder or at least two (2) years after the date on which the vehicle was towed, whichever is earlier.

B. A towing service shall deliver a vehicle towed under division (h)(2) of this section to the location from which it may be recovered not more than two (2) hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two (2) hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(5) A. If an owner of a private property that is established as a private tow-away zone in accordance with division (h)(1) of this section causes the removal of a vehicle from that property by a towing service under division (h)(2) of this section, the towing service, within two (2) hours of removing the vehicle, shall provide notice to the sheriff or the law enforcement agency concerning all of the following:

1. The vehicle's license number, make, model, and color;
2. The location from which the vehicle was removed;
3. The date and time the vehicle was removed;
4. The telephone number of the person from whom the vehicle may be recovered;
5. The address of the place from which the vehicle may be recovered.

B. The sheriff and chief of a law enforcement agency shall maintain a record of any vehicle removed from private property in the sheriff's or police chief's jurisdiction that is established as a private tow-away zone of which the sheriff or police chief has received notice under this division (h). The record shall include all information submitted by the towing service. the sheriff or police chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(6) A. When a vehicle is removed from private property in accordance with this section, within three (3) business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of either of the following to ascertain the identity of the owner and any lienholder of the vehicle:

1. The records of the bureau of motor vehicles;
2. The records of any vendor or vendors, approved by the registrar of motor vehicles, that are capable of providing real-time access to owner and lienholder information.

B. The towing service or storage facility may search the National Motor Vehicle Title Information System in order to determine the state in which the vehicle is titled. The entity that provides the record of the owner and any lienholder under this division shall ensure that such information is provided in a timely manner.

C. Subject to division (h)(6)F. of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

1. Within five (5) business days after the applicable entity provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;
2. If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner required under division (h)(6)C.1. of this section.

D. Sixty days after any notice sent pursuant to division (h)(6)C. of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under R.C. § 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

E. A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under R.C. § 4505.101(B).

F. With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under R.C. § 4505.101, the towing service or storage facility need only comply with the initial notice required under division (h)(6)C.1. of this section.

(7) A. The owner or lienholder of a vehicle that is removed under division (h)(2) of this section may reclaim it upon both of the following:

1. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;
2. Payment of the following fees:
 - a. All applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (h)(6)A.1. of this section;
 - b. If notice has been sent to the owner and lienholder as described in division (h)(6) of this section, a processing fee of \$25.00.

B. A towing service or storage facility in possession of a vehicle that is removed under authority of division (h)(2) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (h)(4) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

C. When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner

disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under R.C. § 4513.611.

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D. Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (h)(2) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (h)(7)D. of this section, "personal items" do not include any items that are attached to the vehicle.

(8) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this division (h) or store such a vehicle other than in accordance with this division (h), or otherwise fail to comply with any applicable requirement of this division (h).

(9) This section does not affect or limit the operation of divisions (a) through (g) of this section, R.C. §§ 4513.60, 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under division (h)(1) of this section.

(10) Whoever violates division (h)(8) of this section is guilty of a minor misdemeanor.

(11) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

- A. Any person who holds title to the property;
- B. Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- C. A person who is authorized to manage the property;
- D. A duly authorized agent of any person listed in divisions (h)(11)A. to (h)(11)C. of this section.

(i) If an owner of private property posts on the property in a conspicuous manner a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

- (1) Park a vehicle on the property without the owner's consent;
- (2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(j) Whoever violates division (i) of this section is guilty of a minor misdemeanor.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4513.60, 4513.601, 4513.61, 4513.681

ORDINANCE 2026-14

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES MINERVA PARK VILLAGE CODE SECTIONS 606.06, 608.01, 608.04, 608.06, 608.12, 608.16, 624.01, 624.02, 624.03, 624.04, 624.06, 624.07, 624.08, 624.15, 630.01, 636.06, 636.14, 636.21, 642.01, 642.12, 666.01, 666.03, 666.24, 672.01, 672.02, 672.22, 678.14, 698.03; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Minerva Park, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the State of Ohio has adopted various new laws and amended existing laws and the Village desires to mirror its code to the Ohio Revised Code to the extent set forth in this document.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

- Section 1.** That the Code of Ordinances of the Village of Minerva Park, Ohio (meaning Village Municipal Code) is hereby amended by adding the provisions as provided in **Exhibit A**, which is adopted and incorporated by reference herein.
- Section 2.** The addition, amendment, or removal of Minerva Park Village Code Sections when passed in such form as to indicate the intention of the governing authority of the Village of Minerva Park, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.
- Section 3.** The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the Village of Minerva Park, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the Village's Municipal Code.
- Section 4.** Provisions of **Exhibit A** that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.
- Section 5.** If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the Village of Minerva Park, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end,

the provisions hereof are hereby declared to be severable.

Section 6. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 7. That it is found that all formal actions of Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8. That this ordinance shall be in full force and effect from the earliest period allowed by law.

First Reading: September 10, 2026
 Second Reading: September 24, 2026
 Third Reading: October 8, 2026
 Passed: October 8, 2026

 Tiffany Southard, Mayor

ATTEST

APPROVED AS TO FORM

 Jeffrey Wilcheck, Fiscal Officer

 Jesse Shamp, Solicitor

Exhibit A**606.06 Limitation on criminal prosecutions.**

(a) (1) Except as provided in division (a)(2), (a)(3) ~~or (a)(4)~~, or (a)(5) of this section or as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

- A. For a felony, six (6) years;
- B. For a misdemeanor other than a minor misdemeanor, two (2) years;
- C. For a minor misdemeanor, six (6) months.

(2) There is no period of limitation for the prosecution of a violation of R.C. § 2903.01 or 2903.02.

(3) Except as otherwise provided in divisions (b) to (j) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within 20 years after the offense is committed:

- A. A violation of R.C. § 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12 or 2917.02, a violation of R.C. § 2903.11 or 2903.12 if the victim is a peace officer, a violation of R.C. § 2903.13 that is a felony, or a violation of former R.C. § 2907.12.
- B. A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (a)(3)A. of this section.

(4) Except as otherwise provided in divisions (d) to (l) of this section, a prosecution of a violation of R.C. § 2907.02 or 2907.03 or a conspiracy to commit, attempt to commit, or complicity in committing a violation of either section shall be barred unless it is commenced within 25 years after the offense is committed.

(5) A prosecution for a violation of R.C. § 2151.421(A)(1) or (A)(4) of the Revised Code, which is a misdemeanor of the fourth degree, or a misdemeanor of the first degree under circumstances specified in R.C. § 2151.99, is barred unless it is commenced within four years after the violation is committed.

(b) (1) Except as otherwise provided in division (b)(2) of this section, if the period of limitation provided in division (a)(1) or (a)(3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of fiduciary duty within one year after discovery of the offense either by an aggrieved person or by the aggrieved person's legal representative who is not a party to the offense.

(2) If the period of limitation provided in division (a)(1) or (a)(3) of this section has expired, prosecution for a violation of R.C. § 2913.49 shall be commenced within five (5) years after discovery of the offense either by an aggrieved person or the aggrieved person's legal representative who is not a party to the offense.

(c) (1) If the period of limitation provided in division (a)(1) or (a)(3) of this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time:

A. For an offense involving misconduct in office by a public servant at any time while the accused remains a public servant, or within two years thereafter;

B. For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two (2) years thereafter.

(2) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Offense is directly related to the misconduct in office of a public servant. The phrase includes, but is not limited to, a violation of R.C. § 101.71, 101.91, 121.61 or 2921.13, 102.03(F) or (H), 2921.02(A), 2921.43(A) or (B), or 3517.13(F) or (G), that is directly related to an offense involving misconduct in office of a public servant, or a violation of any municipal ordinance substantially equivalent to those Ohio Revised Code sections listed in this division (c)(2)A.

Public servant has the same meaning as in R.C. § 2921.01.

(d) (1) If a DNA record made in connection with the criminal investigation of the commission of a violation of R.C. § 2907.02 or 2907.03 is determined to match another DNA record that is of an identifiable person and if the time of the determination is later than 25 years after the offense is committed, prosecution of that person for a violation of the section may be commenced within five (5) years after the determination is complete.

(2) If a DNA record made in connection with the criminal investigation of the commission of a violation of R.C. § 2907.02 or 2907.03 is determined to match another DNA record that is of an identifiable person and if the time of the determination is within 25 years after the offense is committed, prosecution of that person for a violation of the section may be commenced within the longer of 25 years after the offense is committed or five (5) years after the determination is complete.

(3) As used in this division, "DNA record" has the same meaning as in R.C. § 109.573.

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

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

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

(h) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused departed this municipality or conceals the accused's identity or whereabouts is prima facie evidence of the accused's purpose to avoid prosecution.

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

(j) The period of limitation for a violation of this part 6 or R.C. Tit. XXIX that involves a physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of a child under 18 years of age or of a child with a developmental disability or physical impairment under 21 years of age shall not begin to run until either of the following occurs:

(1) The victim of the offense reaches the age of majority.

(2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected or believed to have occurred.

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

(l) The amendments to divisions (a) and (d) of this section apply to a violation of R.C. § 2907.02 or 2907.03 committed on and after ~~July 16, 2015~~ April 4, 2023, and apply to a violation of either of those sections committed prior to ~~July 16, 2015~~ April 4, 2023, if prosecution for that violation was not barred under this section as it existed on ~~July 16, 2015~~ April 4, 2023.

State law reference—R.C. § 2901.13

CHAPTER 608. PUBLIC SERVICE, ADMINISTRATION AND ENFORCEMENT*

608.01 Falsification.

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

(1) The statement is made in any official proceeding.

***Cross references**—Declaratory judgment in sex related offenses, see section 666.16; Injunction and abatement of nuisance in sex related offenses, see section 666.17; Justifiable use of force to suppress riot, see section 648.03; License or permit to possess dangerous ordnance, see section 678.05; Making false alarms, see section 648.08; Misconduct at an emergency, see section 648.06; Penalties and sentencing, see chapter 698; Rabies quarantine, see section 618.11; Registration of dogs, see section 618.08; Rules of evidence in sex related offenses, see section 666.09

State law references—Arrest without warrant for misdemeanor, see R.C. § 2935.03; Criteria for probation; conditions of probation, see R.C. § 2951.02; Degree of offense; charge and verdict; prior conviction, see R.C. § 2945.75; Discharge for delay in trial, see R.C. § 2945.73; Extension of time for

hearing or trial, see R.C. § 2945.72; Procedure on affidavit or complaint; withdrawal of unexecuted warrants, see R.C. § 2935.10; Registration of sex offenders in cities and counties, see R.C. §§ 2950.01 et seq.; Right of trial by jury, see R.C. § 2945.17; Satisfaction of fine; credit for time served, see R.C. § 2947.14; Time within which hearing or trial must be held, see R.C. § 2945.71; Treatment of drug dependent persons in lieu of conviction, see R.C. § 2951.041

- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public official in performing his or her official function.
- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio Works First; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance as defined in R.C. § 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.
- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.
- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
- (8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to his or her detriment.
- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense.
- (10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.
- (11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.
- (12) The statement is made in connection with the purchase of a firearm, as defined in R.C. § 2923.11, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.
- (13) The statement is made in a document or instrument of writing that purports to be a judgment, lien or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to R.C. § 2923.125 in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under R.C. § 2923.1213.

(15) The statement is required under R.C. § 5743.71 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(16) The statement is made to the department of children and youth in connection with the Ohio adoption grant program for the purpose of qualifying for or obtaining an adoption grant under R.C. § 5101.19 to 5101.194.

(b) No person, in connection with the purchase of a firearm as defined in R.C. § 2923.11, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(c) No person, in an attempt to obtain a concealed handgun license under R.C. § 2923.125, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of that section.

(d) It is no defense to a charge under division (a)(6) of this section that the oath or affirmation was administered or taken in an irregular manner.

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

(f) (1) Whoever violates division (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(13), ~~or (a)(15), or (a)(16)~~ of this section is guilty of falsification. Except as otherwise provided in this division, falsification is a misdemeanor of the first degree.

(2) Whoever violates division (a)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is \$1,000.00 or more, falsification in a theft offense is a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (a)(12) or (b) of this section is guilty of falsification to purchase a firearm, a felony to be prosecuted under appropriate state law.

(4) Whoever violates division (a)(14) or (c) of this section is guilty of falsification to obtain a concealed handgun license, a felony to be prosecuted under appropriate state law.

(5) Whoever violates division (a) of this section in removal proceedings under R.C. § 319.26, 321.37, 507.13 or 733.78 is guilty of falsification regarding a removal proceeding, a felony to be prosecuted under appropriate state law.

(g) (1) No person who has knowingly failed to maintain proof of financial responsibility in accordance with R.C. § 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with R.C. § 4509.101(D)(2).

(2) Whoever violates this division (g) is guilty of falsification, a misdemeanor of the first degree.

State law references—Civil liability for violations of this section, see R.C. § 2921.13(G); R.C. §§ 4509.102, 2921.13

608.04 Failure to report a crime or death.

(a) (1) Except as provided in division (a)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report the information to law enforcement authorities.

(2) No person, knowing that a violation of R.C. § 2913.04(B) has been or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

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

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

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

(e) (1) As used in this section, "burn injury" means any of the following:

A. Second or third degree burns;

B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air;

C. Any burn injury or wound that may result in death.

(2) No physician, nurse physician assistant, or limited practitioner who, outside a hospital, sanitarium or other medical facility, attends or treats a person who has sustained a burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious or criminal manner, shall fail to report the burn injury immediately to the

local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (e)(2) or (e)(3) of this section shall fail to file, within three (3) working days after attending or treating the victim, a written report of the burn injury with the office of the state fire marshal. The report shall be made on a form provided by the state fire marshal.

(5) Anyone participating in the making of reports under division (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding R.C. § 4731.22, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under division (e) of this section.

(f) (1) No person who knows that a licensed medical professional has committed an offense under Chapter 2907. of the Revised Code, a violation of a municipal ordinance that is substantially equivalent to such offense, or a substantially equivalent criminal offense in another jurisdiction, against a patient of the licensed medical professional shall fail to report such knowledge to law enforcement authorities within thirty days of obtaining the knowledge.

(2) Except for a self-report or participation in the offense or violation being reported, any person who makes a report within the thirty-day period provided in division (f)(1) of this section or any person who participates in a judicial proceeding that results from such report is immune from civil or criminal liability that otherwise might be incurred or imposed as a result of making that report or participating in that proceeding so long as the person is acting in good faith without fraud or malice.

(3) The physician-patient relationship or physician assistant-patient relationship is not a ground for excluding evidence regarding the person's knowledge of a licensed medical professional's commission of an offense or violation reported under division (f)(1) of this section, against that licensed medical professional in any judicial proceeding resulting from a report made under that division.

(4) As used in division (f) of this section, "licensed medical professional" has the same meaning as in R.C. § 2907.01.

(g)(1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in R.C. § 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding R.C. § 4731.22, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under division (fg)(1) of this section, and the information may be admitted as evidence in accordance with the rules of evidence.

(gh) Division (a) or (d) of this section does not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under R.C. § 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to him or her in his or her capacity as such by a person seeking his or her aid or counsel.

(5) Disclosure would amount to revealing information acquired by the actor in the course of his or her duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency or community addiction services provider whose alcohol and drug addiction services are certified pursuant to R.C. § 5119.36.

(6) Disclosure would amount to revealing information acquired by the actor in the course of his or her duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of R.C. § 2907.02 or 2907.05, or to victims of felonious sexual penetration in violation of former R.C. § 2907.12. As used in this division, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide 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 division (a), ~~or (b)~~, or (f)(1) of this section is guilty of failure to report a crime. Violation of division (a)(1) or (f)(1) of this section is a misdemeanor of the fourth degree. Violation of division (a)(2) or (b) of this section is a misdemeanor of the second degree.

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

(k) (1) Whoever negligently violates division (e) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates division (e) of this section is guilty of a misdemeanor of the second degree.

(l) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.

State law reference—R.C. § 2921.22

608.06 Obstructing official business.

(a) As used in this section:

(1) "Emergency service responder" has the same meaning as in R.C. § 2903.22.

(2) "Warning" means a verbal command made by an emergency service responder through which the emergency service responder does both of the following:

(A) Commands a person to maintain the person's distance, to stay away, to back away, to not interfere, or another similar instruction;

(B) Communicates the verbal command in a manner such that a reasonable person would believe that the person must comply with the verbal command under the circumstances.

(b) 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.

(c) No person, without privilege to do so, and after receiving a warning, shall knowingly approach or remain within fifteen feet of an emergency service responder engaged in the lawful performance of the responder's legal duty and do either of the following:

(1) Impede or interfere with the emergency service responder's ability to perform the responder's legal duty;

(2) Threaten the emergency service responder with physical harm.

~~(b)~~ (1) 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 divisions (d)(2), (3), and (4) of this section. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony misdemeanor and shall be prosecuted under appropriate State law.

(2) If the victim is an emergency service responder engaged in the lawful performance of the responder's legal duty, and the responder issued a warning to the person before the person engaged in or continued to engage in the conduct described in division (b) of this section, obstructing official business is a misdemeanor of the first degree.

(3) If a violation of this section creates a risk of physical harm to a person other than an emergency service responder, obstructing official business is a felony of the fifth degree.

(4) If a violation of this section creates a risk of physical harm to an emergency service responder, obstructing official business is a felony of the fourth degree.

State law reference—R.C. § 2921.31

608.12 Dereliction of duty.

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

- (1) Fail to serve a lawful warrant without delay.
 - (2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in the law enforcement officer's power to do so alone or with available assistance.
- (b) No law enforcement, ministerial or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.
- (c) No officer, having charge of a detention facility, shall negligently do any of the following:
- (1) Allow the detention facility to become littered or unsanitary.
 - (2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention.
 - (3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another.
 - (4) Allow a prisoner to escape.
 - (5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.
- (d) No public official shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the council for the use in any one (1) year of the department, agency, or institution with which the public official is connected.
- (e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.
- (f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.
- (g) Except as otherwise provided by law, a public servant who is a county treasurer; county auditor; township fiscal officer; city auditor; city treasurer; village fiscal officer; village clerk-treasurer; village clerk; in the case of a municipal corporation having a charter that designates an officer who, by virtue of the charter, has duties and functions similar to those of the city or village officers referred to in this section, the officer so designated by the charter; school district treasurer; fiscal officer of a community school established under R.C. Ch. 3314; or treasurer of a science, technology, engineering, and mathematics school established under R.C. Ch. 3326; ~~or fiscal officer of a college preparatory boarding school established under R.C. Ch. 3328~~ and is convicted of or pleads guilty to dereliction of duty is disqualified from holding any public office, employment, or position of trust in this state for four (4) years following the date of conviction or of entry of the plea, and is not entitled to hold any public office until any repayment or restitution required by the court is satisfied.
- (h) As used in this section, "public servant" includes the following:
- (1) An officer or employee of a contractor as defined in R.C. § 9.08;
 - (2) A fiscal officer employed by the operator of a community school established under R.C. Ch. 3314 ~~or by the operator of a college preparatory boarding school established under R.C. Ch. 3328.~~

State law reference—R.C. § 2921.44

608.16 Disposition of unclaimed or forfeited property held by police department.

(a) Safekeeping of property in custody.

(1) A. Any property that has been lost, abandoned, stolen, seized pursuant to a search warrant, or otherwise lawfully seized or forfeited and that is in the custody of the police department shall be kept safely by the police department, pending the time it no longer is needed as evidence or for another lawful purpose, and shall be disposed of pursuant to this section or R.C. §§ 2981.12 and 2981.13.

B. This section does not apply to the custody and disposal of any of the following:

1. Vehicles subject to forfeiture under R.C. Tit. 45, except as provided in division (b)(1)F. of this section;
2. Abandoned junk motor vehicles or other property of negligible value;
3. Property held by a department of rehabilitation and correction institution that is unclaimed, that does not have an identified owner, that the owner agrees to dispose of or that is identified by the Department as having little value;
4. Animals taken, and devices used in unlawfully taking animals, under R.C. § 1531.20;
5. Controlled substances sold by a peace officer in the performance of the officer's official duties under R.C. § 3719.141;
6. Property recovered by a township law enforcement agency under R.C. §§ 505.105 to 505.109;
7. Property held and disposed of under an ordinance of the municipality or under R.C. §§ 737.29 to 737.33, except that if the municipality has received notice of a citizens' reward program as provided in division (b)(5) of this section and disposes of property under an ordinance shall pay 25 percent of any moneys acquired from any sale or auction to the citizens' reward program.

(2) A. The police department shall adopt and comply with a written internal control policy that does all of the following:

1. Provides for keeping detailed records as to the amount of property acquired by the police department and the date property was acquired;
2. Provides for keeping detailed records of the disposition of the property, which shall include, but not be limited to both of the following:
 - a. The manner in which it was disposed, the date of disposition, detailed financial records concerning any property sold and the name of any person who received the property. The record shall not identify or enable identification of the individual officer who seized any item of property.

b. An itemized list of the specific expenditures made with amounts that are gained from the sale of the property and that are retained by the agency, including the specific amount expended on each expenditure, except that the policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

3. Complies with R.C. § 2981.13 if the police department has a law enforcement trust fund or similar fund created under that section.

B. The records kept under the internal control policy shall be open to public inspection during the police department's regular business hours. The policy adopted under this section is a public record open for inspection under R.C. § 149.43.

(3) The police department, with custody of property to be disposed of under this section or R.C. § 2981.12 or 2981.13, shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to possession, it is sufficient notice to advertise in a newspaper using at least one of general circulation in the county and to briefly describe the nature of the property in custody and inviting persons to view and establish their right to it. following methods:

A. In the print or digital edition of a newspaper of general circulation in the county;

B. On the official public notice web site established under R.C. § 125.182;

the web site and social media account of the county.

(4) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Citizens' reward program has the same meaning as in R.C. § 9.92.

Law enforcement agency includes correctional institutions.

Township law enforcement agency means an organized police department of a township, a township police district, a joint police district, or the office of a township constable.

(b) Disposition of unclaimed or forfeited property.

(1) Unclaimed or forfeited property in the custody of the police department, other than property described in division (a)(1)B. of this section, shall be disposed of by order of any court of record that has territorial jurisdiction over the municipality, as follows:

A. Drugs shall be disposed of pursuant to R.C. § 3719.11 or placed in the custody of the Secretary of the Treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

B. Firearms and dangerous ordnance suitable for police work may be given to a law enforcement agency for that purpose. Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to division (b)(2) of this section. The police department may sell other firearms and dangerous ordnance to a federally licensed firearms dealer in a manner that the court considers proper. The

police department shall destroy any firearms or dangerous ordnance not given to a law enforcement agency or sold or shall send them to the bureau of criminal identification and investigation for destruction by the bureau.

C. Obscene materials shall be destroyed.

D. Beer, intoxicating liquor, or alcohol seized from a person who does not hold a permit issued under R.C. Chs. 4301 and 4303 or otherwise forfeited to the state for an offense under R.C. § 4301.45 or 4301.53 shall be sold by the division of liquor control if the division determines that it is fit for sale or shall be placed in the custody of the Investigations Unit in the Ohio Department of Public Safety and be used for training relating to law enforcement activities. The Ohio Department of Public Safety, with the assistance of the Division of Liquor Control, shall adopt rules in accordance with R.C. Ch. 119 to provide for the distribution to state or local law enforcement agencies upon their request. If any tax imposed under R.C. Tit. 43 has not been paid in relation to the beer, intoxicating liquor, or alcohol, any moneys acquired from the sale shall first be used to pay the tax. All other money collected under this division (b)(1)D. shall be paid into the state treasury. Any beer, intoxicating liquor, or alcohol that the division determines to be unfit for sale shall be destroyed.

E. Money received by an inmate of a correctional institution from an unauthorized source or in an unauthorized manner shall be returned to the sender, if known, or deposited in the inmates' industrial and entertainment fund of the institution if the sender is not known.

F. 1. Any mobile instrumentality forfeited under R.C. Ch. 2981 may be given to the law enforcement agency that initially seized the mobile instrumentality for use in performing its duties, if the agency wants the mobile instrumentality. The agency shall take the mobile instrumentality subject to any security interest or lien on the mobile instrumentality.

2. Vehicles and vehicle parts forfeited under R.C. §§ 4549.61 to 4549.63 may be given to a law enforcement agency for use in performing its duties. Those parts may be incorporated into any other official vehicle. Parts that do not bear vehicle identification numbers or derivatives of them may be sold or disposed of as provided by rules of the director of public safety. Parts from which a vehicle identification number or derivative of it has been removed, defaced, covered, altered or destroyed and that are not suitable for police work or incorporation into an official vehicle shall be destroyed and sold as junk or scrap.

G. Computers, computer networks, computer systems and computer software suitable for police work may be given to a law enforcement agency for that purpose or disposed of under division (b)(2) of this section.

H. Money seized in connection with a violation of R.C. § 2905.32, 2907.21, or 2907.22 shall be deposited in the victims of human trafficking fund created by R.C. § 5101.87.

(2) Unclaimed or forfeited property that is not described in division (b)(1) of this section or division (a)(1)B. of this section, with court approval, may be used by the law enforcement agency in possession of it. If it is not used by the agency, it may be sold without appraisal at a

public auction to the highest bidder for cash or disposed of in another manner that the court considers proper.

(3) Except as provided in divisions (b)(1) and (b)(5) of this section and after compliance with division (b)(4) of this section when applicable, any moneys acquired from the sale of property disposed of pursuant to this section shall be placed in the general revenue fund of the state, or the general fund of the municipality.

(4) If the property was in the possession of the police department in relation to a delinquent child proceeding in a juvenile court, ten (10) percent of any moneys acquired from the sale of property disposed of under this section shall be applied to one (1) or more community addiction services providers, as defined in R.C. § 5119.01. A juvenile court shall not specify a services provider, except as provided in this division, unless the services provider is in the same county as the court or in a contiguous county. If no services provider is located in any of those counties, the juvenile court may specify a services provider anywhere in Ohio. The remaining 90 percent of the proceeds or cash shall be applied as provided in division (b)(3) of this section.

(5) A. If the board of county commissioners recognizes a citizens' reward program under R.C. § 9.92, the board shall notify the police department of the recognition by filing a copy of its resolution conferring that recognition with the police department. When the board recognizes a citizens' reward program and the county includes a part, but not all, of the territory of the municipality, the board shall so notify the police department of the recognition of the citizens' reward program only if the county contains the highest percentage of the municipality's population.

B. Upon being so notified, the police department shall pay 25 percent of any forfeited proceeds or cash derived from each sale of property disposed of pursuant to this section to the citizens' reward program for use exclusively to pay rewards. No part of the funds may be used to pay expenses associated with the program. If a citizens' reward program that operates in more than one (1) county or in another state in addition to this state receives funds under this section, the funds shall be used to pay rewards only for tips and information to law enforcement agencies concerning offenses committed in the county from which the funds were received.

(6) Any property forfeited under R.C. Ch. 2981 not be used to pay any fine imposed upon a person who is convicted of or pleads guilty to an underlying criminal offense or a different offense arising out of the same facts and circumstances.

(7) Any moneys acquired from the sale of personal effects, tools, or other property seized because the personal effects, tools, or other property were used in the commission of a violation of R.C. § 2905.32, 2907.21, or 2907.22 or derived from the proceeds of the commission of a violation of R.C. § 2905.32, 2907.21, or 2907.22 and disposed of pursuant to this division (b) shall be placed in the victims of human trafficking fund created by R.C. § 5101.87.

(c) *Disposition of contraband, proceeds, or instrumentalities.* Except as otherwise provided in R.C. § 2981.13, property ordered forfeited as contraband, proceeds, or an instrumentality pursuant to R.C. Ch. 2981 shall be disposed of, used or sold pursuant to division (b) of this section or R.C. § 2981.12. If the property is to be sold under division (b) of this section or R.C. § 2981.12, the prosecutor shall cause notice of the proposed sale to be given in accordance with law.

State law references—Forfeiture of property generally, see R.C. Ch. 2981; R.C. §§ 2981.11, 2981.12, 2981.13(A)

CHAPTER 612. ALCOHOLIC BEVERAGES*

CHAPTER 618. ANIMALS*

CHAPTER 624. DRUGS*

624.01 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

Administer has the same meaning as in R.C. § 3719.01.

Adulterate means to cause a drug to be adulterated as described in R.C. § 3715.63.

Alcohol and drug addiction services has the same meaning as in R.C. § 5119.01.

Bulk amount of a controlled substance, means any of the following:

(a) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (b), (e), or (f) of this definition, whichever of the following is applicable:

- (1) An amount equal to or exceeding ten (10) grams or 25 unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
- (2) An amount equal to or exceeding ten (10) grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
- (3) An amount equal to or exceeding 30 grams or ten (10) unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
- (4) An amount equal to or exceeding 20 grams or five (5) times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
- (5) An amount equal to or exceeding five (5) grams or ten (10) unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

(6) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

(7) An amount equal to or exceeding three (3) grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws;

(b) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(c) An amount equal to or exceeding 20 grams or five (5) times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(d) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;

(e) An amount equal to or exceeding 200 solid dosage units, 16 grams, or 16 milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;

(f) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of R.C. § 2925.11 and the sentencing provisions set forth in R.C. § 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.

Certified grievance committee means a duly constituted and organized committee of the Ohio State Bar Association or of one (1) or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.

Cocaine means any of the following:

(a) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.

(b) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.

(c) A salt, compound, derivative or preparation of a substance identified in division (a) or (b) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

Committed in the vicinity of a juvenile means an offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

Committed in the vicinity of a school means an offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.

Committed in the vicinity of a substance addiction services provider or a recovering addict means an offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:

(a) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under R.C. § 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under R.C. § 5119.37, or within 500 feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

(b) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

Controlled substance has the same meaning as in R.C. § 3719.01.

Controlled substance analog has the same meaning as in R.C. § 3719.01.

Counterfeit controlled substance means any of the following:

(a) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.

(b) 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.

(c) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.

(d) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.

Cultivate includes planting, watering, fertilizing or tilling.

Dangerous drug has the same meaning as in R.C. § 4729.01.

Deception has the same meaning as in R.C. § 2913.01.

Disciplinary counsel means the disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.

Dispense has the same meaning as in R.C. § 3719.01.

Distribute has the same meaning as in R.C. § 3719.01.

Drug has the same meaning as in R.C. § 4729.01.

Drug abuse offense means any of the following:

(a) A violation of R.C. § 2913.02(A) that constitutes theft of drugs, or any violation of R.C. § 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.

(b) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in division (a) of this definition.

(c) An offense under an existing or former law of any municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.

(d) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under division (a), (b) or (c) of this definition.

Drug dependent person has the same meaning as in R.C. § 3719.011.

Drug of abuse has the same meaning as in R.C. § 3719.011.

Felony drug abuse offense means any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.

Fentanyl-related compound means any of the following:

(a) Fentanyl;

(b) Alpha-methylfentanyl(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(c) Alpha-methylthiofentanyl(N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);

- (d) Beta-hydroxyfentanyl(N-[1-(2-hydroxy-2-phenethyl-4-piperidiny)]-N-phenylpropanamide);
- (e) Beta-hydroxy-3-methylfentanyl(other name:N-[1-(2-hydroxy-2- phenethyl)-3- meth-yl-4-piperidiny]-N- phenylpropanamide);
- (f) 3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);
- (g) 3-methylthiofentanyl(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidiny]-N-phenylpropanamide);
- (h) Para-fluorofentanyl(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidiny]propanamide;
- (i) Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide;
- (j) Alfentanil;
- (k) Carfentanil;
- (l) Remifentanil;
- (m) Sufentanil;
- (n) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacetamide); and
- (o) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:
 - (1) A chemical scaffold consisting of both of the following:
 - A. A five-, six-, or seven-member ring structure containing a nitrogen, whether or not further substituted;
 - B. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
 - (2) A polar functional group attached to the chemical scaffold, including, but not limited to, a hydroxyl, ketone, amide, or ester;
 - (3) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
 - (4) The compound has not been approved for medical use by the United States food and drug administration.

Harmful intoxicant does not include beer or intoxicating liquor, but means any of the following:

- (a) 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:

(1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.

(2) Any aerosol propellant.

(3) Any fluorocarbon refrigerant.

(4) Any anesthetic gas.

(b) Gamma Butyrolactone;

(c) 1,4 Butanediol.

Hashish means:

(a) A resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus *cannabis*, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths percent.

(b) The term does not include a hemp byproduct in the possession of a licensed hemp processor under R.C. Ch. 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under R.C. § 928.03.

Hypodermic has the same meaning as in R.C. § 3719.01.

Juvenile means a person under 18 years of age.

Licensed health professional authorized to prescribe drugs has the same meaning as in R.C. § 4729.01.

L.S.D. means lysergic acid diethylamide.

Major drug offender has the same meaning as in R.C. § 2929.01.

Mandatory prison term has the same meaning as in R.C. § 2929.01.

Manufacture 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.

Manufacturer has the same meaning as in R.C. § 3719.01.

Marihuana has the same meaning as in R.C. § 3719.01, except that it does not include hashish.

Methamphetamine means methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

Minor drug possession offense means either of the following:

(a) A violation of R.C. § 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.

(b) A violation of R.C. § 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.

Official written order has the same meaning as in R.C. § 3719.01.

Person has the same meaning as in R.C. § 3719.01.

Pharmacist has the same meaning as in R.C. § 3719.01.

Pharmacy has the same meaning as in R.C. § 3719.01.

Possess or *possession* 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.

Premises of a substance addiction services provider's facility means the parcel of real property on which any substance addiction service provider's facility is situated.

Prescription has the same meaning as in R.C. § 4729.01.

Presumption for a prison term or presumption that a prison term shall be imposed means a presumption as described in R.C. § 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under R.C. § 2929.11.

Professional license means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in R.C. § 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.

Professionally licensed person means any of the following:

(a) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under R.C. Ch. 4701 and who holds an Ohio permit issued under that chapter;

(b) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under R.C. Ch. 4703;

(c) A person who is registered as a landscape architect under R.C. Ch. 4703 or who holds a permit as a landscape architect issued under that chapter;

(d) A person licensed under R.C. Ch. 4707;

(e) A person who has been issued a barber instructor's license, assistant barber instructor's license, or independent contractor's license under R.C. Ch. 4709;

(f) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of R.C. Ch. 4710;

(g) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring,

advanced license to practice esthetics, advanced license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under R.C. Ch. 4713;

(h) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under R.C. Ch. 4715;

(i) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under R.C. Ch. 4717;

(j) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under R.C. Ch. 4723;

(k) A person who has been licensed to practice optometry or to engage in optical dispensing under R.C. Ch. 4725;

(l) A person licensed to act as a pawnbroker under R.C. Ch. 4727;

(m) A person licensed to act as a precious metals dealer under R.C. Ch. 4728;

(n) A person licensed under R.C. Ch. 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

(o) A person licensed under R.C. Ch. 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;

(p) A person who is authorized to practice as a physician assistant under R.C. Ch. 4730;

(q) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under R.C. Ch. 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;

(r) A person licensed as a psychologist or school psychologist under R.C. Ch. 4732;

(s) A person registered to practice the profession of engineering or surveying under R.C. Ch. 4733;

(t) A person who has been issued a license to practice chiropractic under R.C. Ch. 4734;

(u) A person licensed to act as a real estate broker or real estate salesperson under R.C. Ch. 4735;

(v) A person registered as a registered environmental health specialist under R.C. Ch. 4736;

(w) A person licensed to operate or maintain a junkyard under R.C. Ch. 4737;

(x) A person who has been issued a motor vehicle salvage dealer's license under R.C. Ch. 4738;

(y) A person who has been licensed to act as a steam engineer under R.C. Ch. 4739;

(z) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under R.C. Ch. 4741;

(aa) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under R.C. Ch. 4747;

(bb) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under R.C. Ch. 4749;

(cc) A person licensed to practice as a nursing home administrator under R.C. Ch. 4751;

(dd) A person licensed to practice as a speech-language pathologist or audiologist under R.C. Ch. 4753;

(ee) A person issued a license as an occupational therapist or physical therapist under R.C. Ch. 4755;

(ff) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under R.C. Ch. 4757;

(gg) A person issued a license to practice dietetics under R.C. Ch. 4759;

(hh) A person who has been issued a license or limited permit to practice respiratory therapy under R.C. Ch. 4761;

(ii) A person who has been issued a real estate appraiser certificate under R.C. Ch. 4763;

(jj) A person who has been issued a home inspector license under R.C. Ch. 4764;

(kk) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules;

(ll) A person who has been issued a license to practice as a certified mental health assistant under chapter 4772 of the Revised Code.

Public premises means any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.

Sale has the same meaning as in R.C. § 3719.01.

Sample drug 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 (1) time, had been placed in a container plainly marked as a sample by a manufacturer.

Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V have the same meaning as in R.C. § 3719.01.

School means any school operated by a board of education, any community school established under R.C. Ch. 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under R.C. § 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

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.

School premises means either of the following:

- (a) 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.
- (b) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under R.C. Ch. 3314, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under R.C. § 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

Standard pharmaceutical reference manual means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

Substance addiction services provider means an agency, association, corporation or other legal entity, individual, or program that provides one (1) or more of the following at a facility:

- (a) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under R.C. § 5119.36;
- (b) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Behavioral Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

Unit dose means an amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

Wholesaler has the same meaning as in R.C. § 3719.01.

(Ord. No. 27-2024, § 1(Exh. A), 11-21-2024)

State law reference—R.C. § 2925.01

624.02 Trafficking in controlled substances; gift of marihuana.

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

- (1) Sell or offer to sell a controlled substance or a controlled substance analog;
- (2) Prepare for shipment, ship, transport, deliver, prepare for distribution or distribute a controlled substance or a controlled substance analog, when the offender knows or has

reasonable cause to believe that the controlled substance or a controlled substance analog, is intended for sale or resale by the offender or another person.

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

- (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with R.C. Chs. 3719, 4715, 4723, 4729, 4730, 4731, ~~and 4741~~, and 4772.
- (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration.
- (3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act" (21 U.S.C. §§ 301 et seq., as amended), and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act.

(c) Whoever violates division (a) of this section is guilty of the following:

- (1) Except as otherwise provided in divisions (c)(2) and (c)(3) of this section, trafficking in controlled substances is a felony to be prosecuted under appropriate state law.
- (2) Except as otherwise provided in this division, if the offense involves a gift of 20 grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of 20 grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.
- (3) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one (1) of the following applies:
 - A. Except as otherwise provided in division (c)(3) B. of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (c)(2) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under R.C. § 2925.03(C)(9) for trafficking in a fentanyl-related compound.
 - B. If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under R.C. § 2925.03(C)(9).

(d) As used in this section, "drug" includes any substance that is represented to be a drug.

State law references—Felony drug trafficking offenses, see R.C. § 2925.03(C); R.C. §§ 2925.03(A)—(C),

(I)

624.03 Drug possession offenses.

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

(b) (1) This section does not apply to any of the following:

A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chs. 3719, 4715, 4723, 4729, 4730, 4731, ~~and 4741~~, and 4772.

B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration.

C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the Federal Food, Drug and Cosmetic Act, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act.

D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged, or obtained through deception or commission of a theft offense. As used in this division (b)(1) D., "deception" and "theft offense" have the same meanings as in R.C. § 2913.01.

(2) A. As used in division (b)(2) of this section:

Community addiction services provider has the same meaning as in R.C. § 5119.01.

Community control sanction has the same meanings as in R.C. § 2929.01

Drug treatment program has the same meanings as in R.C. § 2929.01.

Health care facility has the same meaning as in R.C. § 2919.16.

Minor drug possession offense means a violation of this section or R.C. § 2925.11 that is a misdemeanor or a felony of the fifth degree.

Peace officer has the same meaning as in R.C. § 2935.01.

Post-release control sanction has the same meaning as in R.C. § 2967.28.

Public agency has the same meaning as in R.C. § 2930.01.

Qualified individual means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (b)(2) B. of this section.

Seek or obtain medical assistance includes, but is not limited to, making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

B. Subject to division (b)(2) F. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:

1. The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
2. Subject to division (b)(2) G. of this section, within 30 days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.
3. Subject to division (b)(2) G. of this section, the qualified individual who obtains a screening and receives a referral for treatment under division (b)(2) B.2. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division. The documentation shall be limited to the date and time of the screening obtained and referral received.

C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in R.C. § 2929.13, 2929.15, or 2929.25, or any substantially equivalent municipal ordinance, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:

1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (b)(2)B. of this section.

D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in R.C. § 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:

1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (b)(2) B. of this section.

E. Nothing in division (b)(2) B. of this section shall be construed to do any of the following:

1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (b)(2) B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (b)(2) B. of this section for a minor drug possession offense;
2. Limit any seizure of evidence or contraband otherwise permitted by law;
3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;
4. Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016, to any public agency or to an employee of any public agency.

F. Division (b)(2) B. of this section does not apply to any person who twice previously has been granted an immunity under division (b)(2) B. of this section. No person shall be granted an immunity under division (b)(2) B. of this section more than two (2) times.

G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. §§ 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(c) Whoever violates division (a) of this section is guilty of one (1) of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule I or Schedule II, with the exception of marihuana or hashish, whoever violates division (a) of this section is guilty of a felony to be prosecuted under appropriate state law.

(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, whoever violates division (a) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in division (c)(2) B. of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony to be prosecuted under appropriate state law.

B. If the amount of the drug involved equals or exceeds the bulk amount, possession of drugs is a felony to be prosecuted under appropriate state law.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (a) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in division (c)(3) B. or (c)(3) C. of this section, possession of marihuana is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.

C. If the amount of the drug involved equals or exceeds 200 grams, possession of marihuana is a felony to be prosecuted under appropriate state law.

(4) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (a) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in division (c)(4) B. or (c)(4) C. of this section, possession of hashish is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds five (5) grams but is less than ten (10) grams of hashish in a solid form or equals or exceeds one (1) gram but is less than two (2) grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

C. If the amount of the drug involved equals or exceeds ten (10) grams of hashish in a solid form or equals or exceeds two (2) grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony to be prosecuted under appropriate state law.

(5) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one (1) of the following applies:

A. Except as otherwise provided in division (c)(5) B. of this section, the offender is guilty of possession of marihuana and shall be punished as provided in division (c)(3) of this section. Except as otherwise provided in division (c)(5)B. of this section, the offender is not guilty of possession of a fentanyl-related compound under R.C. § 2925.11(C)(11) and shall not be charged with, convicted of, or punished under R.C. § 2925.11(C)(11) for possession of a fentanyl-related compound.

B. If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under R.C. § 2925.11(C)(11).

(6) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any Schedule III, Schedule IV, or Schedule V controlled substance that is not a fentanyl-related compound, one (1) of the following applies:

A. Except as otherwise provided in division (c)(6) B. of this section, the offender is guilty of possession of drugs and shall be punished as provided in division (c)(2) of this section. Except as otherwise provided in division (c)(6)B. of this section, the offender is not guilty of possession of a fentanyl-related compound under R.C. § 2925.11(C)(11) and shall not be charged with, convicted of, or punished under R.C. § 2925.11(C)(11) for possession of a fentanyl-related compound.

B. If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under R.C. § 2925.11(C)(11).

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

(e) (1) In addition to any person term or jail term authorized or required by division (c) of this section and R.C. §§ 2929.13, 2929.14, 2929.22, 2929.24 and 2929.25, or any substantially equivalent municipal ordinance, and in addition to any other sanction that is imposed for the offense under this section or R.C. §§ 2929.11 through 2929.18, or R.C. §§ 2929.21 to 2929.28, or any substantially equivalent municipal ordinance, ~~the court that sentences an offender who is convicted of or pleads guilty to a violation of division (a) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years.~~ If applicable, the court also shall do the following:

(2) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with R.C. § 2925.38.

(3) If the offender has a driver's license or commercial driver's license or permit R.C. § 2929.33 applies.

(f) (1) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

(2) Upon the filing of a motion under division (f) of this section, the sentencing court, in its discretion, may terminate the suspension.

State law references—Felony drug possession offenses, see R.C. § 2925.11(C); R.C. § 2925.11

624.04 Possession of drug abuse instruments.

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

(b) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with R.C. Chs. 3719, 4715, 4723, 4729, 4730, 4731, ~~and 4741,~~ and 4772.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

~~(d) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five (5) years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with R.C. § 2925.38.~~

If the offender has a driver's license or commercial driver's license or permit R.C. § 2929.33 applies.

(2) A. Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

B. Upon the filing of a motion under division (d)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

State law reference—R.C. § 2925.12

624.06 Use or possession of paraphernalia.

(a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to any of the following equipment, products or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived.
- (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance.
- (3) Any object, instrument or device for manufacturing, compounding, converting, producing, processing or preparing methamphetamine.
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance.

(5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance.

(6) A scale or balance for weighing or measuring a controlled substance.

(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance.

(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana.

(9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance.

(10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance.

(11) A container or device for storing or concealing a controlled substance.

(12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body.

(13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner or by anyone in control of the equipment, product or material, concerning its use.

(2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or R.C. Ch. 2925.

(3) The proximity of the equipment, product or material to any controlled substance.

(4) The existence of any residue of a controlled substance on the equipment, product or material.

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom he or she knows intends to use the equipment, product or material to facilitate a violation of any provision of this chapter or R.C. Ch. 2925. A finding that the owner or anyone in control of the equipment, product or material is not guilty of a violation of any other provision of this chapter or R.C. Ch. 2925 does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia.

(6) Any oral or written instruction provided with the equipment, product or material concerning its use.

(7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use.

(8) National or local advertising concerning the use of the equipment, product or material.

(9) The manner and circumstances in which the equipment, product or material is displayed for sale.

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise.

(11) The existence and scope of legitimate uses of the equipment, product or material in the community.

(12) Expert testimony concerning the use of the equipment, product or material.

(c) (1) Subject to division (d)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if he or she knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this state, if he or she knows that the purpose of the advertisement is to promote the illegal sale in this municipality or in this state of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.

(d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with R.C. Chs. 3719, 4715, 4723, 4729, 4730, 4731, ~~and 4741~~, and 4772. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by R.C. § 3719.172.

(2) Division (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana.

(e) Notwithstanding R.C. Ch. 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation, shall be forfeited, and upon forfeiture shall be disposed of pursuant to R.C. § 2981.12(B).

(f) (1) Whoever violates division (c)(1) of this section is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in division (f)(3) of this section, whoever violates division (c)(2) of this section is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates division (c)(2) of this section by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates division (c)(3) of this section is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(g) ~~(1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five (5) years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years.~~ If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with R.C. § 2925.38.

If the offender has a driver's license or commercial driver's license or permit R.C. § 2929.33 applies.

(2) A. Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016 may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

B. Upon the filing of a motion under division (g)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(h) *Illegal use or possession of marihuana drug paraphernalia.*

(1) As used in this division (h), "drug paraphernalia" has the same meaning as in division (a) of this section.

(2) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in division (b) of this section.

(3) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana.

(4) This division (h) does not apply to any person identified in division (d)(1) of this section, and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by R.C. § 3719.172.

(5) Division (e) of this section applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(6) Whoever violates division (h)(3) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

(7) A. In addition to any other sanction imposed upon an offender for a violation division (h) of this section, the court may suspend for not more than five (5) years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of division (h) of this section, the court immediately shall comply with R.C. § 2925.38.

B. 1. Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under division (h) of this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under division (h) of this section shall not file such a motion.

2. Upon the filing of a motion under division (h)(7) B. of this section, the sentencing court, in its discretion, may terminate the suspension.

State law reference—R.C. §§ 2925.14, 2925.141

624.07 Abusing harmful intoxicants.

(a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

(b) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony to be prosecuted under appropriate state law.

~~(c) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five (5) years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with R.C. § 2925.38.~~

If the offender has a driver's license or commercial driver's license or permit R.C. § 2929.33 applies.

(2) A. Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of R.C. § 4511.19 or a substantially equivalent municipal ordinance or law of another state or the United States that

arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

B. Upon the filing of a motion under division (c)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

State law reference—R.C. § 2925.31

624.08 Illegal dispensing of drug samples.

(a) No person shall knowingly furnish a sample drug to another person.

(b) Division (a) of this section does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with R.C. Chs. 3719, 4715, 4723, 4725, 4729, 4730, 4731, ~~and 4741,~~ and 4772.

(c) (1) Whoever violates this section is guilty of illegal dispensing of drug samples.

(2) If the drug involved in the offense is a compound, mixture, preparation, or substance included in Schedule I or Schedule II, with the exception of marihuana, illegal dispensing of drug samples is a felony to be prosecuted under appropriate state law.

(3) If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, Schedule IV or Schedule V, or is marihuana, the penalty for the offense shall be determined as follows:

A. Except as otherwise provided in the following division, illegal dispensing of drug samples is a misdemeanor of the second degree.

B. If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.

State law references—Felony offenses, see R.C. § 2925.36(C)(2); R.C. §§ 2925.36(A)—

(C)

624.15 Sale of pseudoephedrine.

(a) *Unlawful purchases.*

(1) As used in divisions (a), (b), (c) and (d) of this section:

Consumer product means any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.

Ephedrine means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

Ephedrine product means a consumer product that contains ephedrine.

Pseudoephedrine means any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

Pseudoephedrine product means a consumer product that contains pseudoephedrine.

Retailer means a place of business that offers consumer products for sale to the general public.

Single-ingredient preparation means a compound, mixture, preparation, or substance that contains a single active ingredient.

Terminal distributor of dangerous drugs has the same meaning as in R.C. § 4729.01.

(2) A.

1. No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Ch. 3719, 4715, 4723, 4729, 4730, 4731, ~~or 4741~~, or 4772:

- a. Three and six-tenths (3.6) grams within a period of a single day;
- b. Nine (9) grams within a period of 30 consecutive days.

2. The limits specified in divisions (a)(2)A.1.a. and (a)(2)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.

B. It is not a violation of division (b)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in division (a)(2)A.1.a. or (a)(2)A.1.b. of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(3) A. No individual under 18 years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product, or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Ch. 3719, 4715, 4723, 4729, 4730, 4731, ~~or 4741~~, or 4772.

B. Division (a)(3) A. of this section does not apply to an individual under 18 years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:

1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with R.C. Ch. 3719, 4715, 4723, 4729, 4730, 4731, ~~or 4741~~, or 4772;
2. A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;
3. A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;
4. A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(4) No individual under 18 years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.

(5) No individual shall knowingly fail to comply with the requirements of R.C. § 3715.051(B).

(6) Whoever violates division (a)(2) A. of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

(7) Whoever violates division (a)(3) A. of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.

(8) Whoever violates division (a)(4) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.

(9) Whoever violates division (a)(5) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree.

(b) Unlawful retail sales.

(1) A.

1. Except as provided in division (b)(1)B of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:

- a. Three and six-tenths (3.6) grams within a period of a single day;
- b. Nine (9) grams within a period of 30 consecutive days.

2. The maximum amounts specified in divisions (b)(1)A.1.a. and (b)(1)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

B. 1. Division (b)(1)A. of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Ch. 3719, 4715, 4723, 4729, 4730, 4731, ~~or 4741~~, or 4772.

2. It is not a violation of division (b)(1)A. of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in division (b)(1)A.1.a. or (b)(1)A.1.b. of this section under either of the following circumstances:

a. The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;

b. A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in R.C. § 3715.052(A)(2).

(2) A. Except as provided in division (b)(2) B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under 18 years of age.

B. Division (b)(2) A. of this section does not apply to any of the following:

1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under 18 years of age and whose conduct is in accordance with R.C. Ch. 3719, 4715, 4723, 4729, 4730, 4731, ~~or 4741~~, or 4772;

2. A parent or guardian of an individual under 18 years of age who provides a pseudoephedrine product or ephedrine product to the individual;

3. A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under 18 years of age;

4. The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under 18 years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

(3) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of R.C. § 3715.051(A) or 3715.052(A)(2).

(4) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of R.C. § 3715.052(A)(1).

(5) Whoever violates division (b)(1) A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

(6) Whoever violates division (b)(2) A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree.

(7) Whoever violates division (b)(3) of this section is guilty of improper sale of a pseudoephedrine product or ephedrine product, a misdemeanor of the second degree.

8) Whoever violates division (b)(4) of this section is guilty of failing to submit information to the national precursor log exchange, a misdemeanor for which the offender shall be fined not more than \$1,000.00 per violation.

(c) *Transaction scans.*

(1) For the purpose of this division and division (d) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Card holder means any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive any pseudoephedrine product or ephedrine product from the seller, agent or employee.

Identification card has the same meaning as in R.C. § 2927.021.

Seller means a retailer or terminal distributor of dangerous drugs.

Transaction scan means the process by which a seller or an agent or employee of a seller checks by means of a transaction scan device the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving any pseudoephedrine product or ephedrine product.

Transaction scan device has the same meaning as in R.C. § 2927.021.

(2) A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder a pseudoephedrine product or ephedrine product.

B. If the information deciphered by the transaction scan performed under division (c)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any pseudoephedrine product or ephedrine product to the card holder.

C. Division (c)(2) A. of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.

(3) Rules adopted by the Registrar of Motor Vehicles under R.C. § 4301.61(C) apply to the use of transaction scan devices for purposes of this division (c) and division (d) of this section.

(4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:

1. The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;
2. The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a card holder.

B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (c)(4) A. of this section except for purposes of division (d) of this section or R.C. § 2925.58 or 3715.052(A)(1).

C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in division (c)(2) A. of this section.

D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by division (d) of this section or any other section of the Ohio Revised Code.

(5) Nothing in this division (c) or division (d) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of pseudoephedrine products or ephedrine products.

(6) Whoever violates division (c)(2) B. or (c)(4) of this section is guilty of engaging in an illegal pseudoephedrine product or ephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to \$1,000.00 for each violation. The clerk of the court shall pay each collected civil penalty to the county treasurer for deposit into the county treasury.

(d) Affirmative defenses.

(1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of division (b) of this section in which the age of the purchaser or other recipient of a pseudoephedrine product is an element of the alleged violation if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:

A. A card holder attempting to purchase or receive a pseudoephedrine product presented a driver's or commercial driver's license or an identification card.

B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

C. The pseudoephedrine product was sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (d)(1) of this section, the trier of fact in the action for the alleged violation of division (b) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of division (b) of this section. For purposes of division (d)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes a pseudoephedrine product is 18 years of age or older;

B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(3) In any criminal action in which the affirmative defense provided by division (d)(1) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an identification card under R.C. §§ 4507.50 through 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles in the action.

(e) Retailer's duties.

(1) As used in divisions (e) and (f) of this section:

Consumer product means any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.

Drug has the same meanings as in R.C. § 4729.01.

Ephedrine means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

Ephedrine product means a consumer product that contains ephedrine.

Law enforcement official means an officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

Licensed health professional authorized to prescribe drugs has the same meanings as in R.C. § 4729.01.

National precursor log exchange or exchange means the electronic system for tracking sales of pseudoephedrine products and ephedrine products on a national basis that is administered by the National Association of Drug Diversion Investigators or a successor organization.

Pharmacist means a person licensed under R.C. Ch. 4729 to engage in the practice of pharmacy.

Pharmacy has the same meanings as in R.C. § 4729.01.

Prescriber has the same meanings as in R.C. § 4729.01.

Prescription has the same meanings as in R.C. § 4729.01.

Proof of age means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 to 4507.52 that shows a person is 18 years of age or older.

Pseudoephedrine means any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

Pseudoephedrine product means a consumer product that contains pseudoephedrine.

Retailer means a place of business that offers consumer products for sale to the general public.

Single-ingredient preparation means a compound, mixture, preparation, or substance that contains a single active ingredient.

Stop-sale alert means a notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of R.C. § 2925.56(A)(1) or federal law.

Terminal distributor of dangerous drugs has the same meanings as in R.C. § 4729.01.

Wholesaler has the same meaning as in R.C. § 3719.01.

(2) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:

A. Segregate pseudoephedrine products or ephedrine products from other merchandise so that no member of the public may procure or purchase such products without the direct assistance of a pharmacist or other authorized employee of the retailer or terminal distributor of dangerous drugs;

B. With regard to each time a pseudoephedrine product or ephedrine product is sold or otherwise provided without a valid prescription:

1. Determine, by examination of a valid proof of age, that the purchaser or recipient is at least 18 years of age;

2. a. Using any information available, including information from the national precursor log exchange if the information is accessible, make a reasonable

attempt to ensure that no individual purchases or receives an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:

i. Three and six-tenths (3.6) grams within a period of a single day;

ii. Nine (9) grams within a period of 30 consecutive days.

b. The maximum amounts specified in divisions (e)(2)B.2.a.i. and (e)(2)B.2.a.ii. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

C. Maintain a log book of pseudoephedrine product or ephedrine product purchases, in accordance with R.C. § 3715.051;

D. If required to comply with section R.C. § 3715.052, submit the information specified in divisions (A)(1)(a) to (A)(1)(d) of that section to the national precursor log exchange.

(3) Prescriptions, orders, and records maintained pursuant to this section and stocks of pseudoephedrine products and ephedrine products shall be open for inspection to federal, state, county, and municipal officers, and employees of the state board of pharmacy whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. Such prescriptions, orders, records, and stocks shall be open for inspection by the state medical board and its employees for purposes of enforcing R.C. Ch. 4731.

(f) Theft or loss; reporting requirements.

(1) Each retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler that sells, offers to sell, holds for sale, delivers or otherwise provides any pseudoephedrine product and that discovers the theft or loss of any pseudoephedrine product in an amount of more than nine (9) grams per incident of theft or loss shall notify all of the following upon discovery of the theft or loss:

A. The state board of pharmacy, by telephone immediately upon discovery of the theft or loss;

B. Law enforcement authorities. If the incident is a theft and the theft constitutes a felony, the retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall report the theft to the law enforcement authorities in accordance with R.C. § 2921.22.

(2) Within 30 days after making a report by telephone to the state board of pharmacy pursuant to division (f)(1)A of this section, a retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall send a written report to the state board of pharmacy.

(3) The reports required under this section shall identify the product that was stolen or lost, the amount of the product stolen or lost, and the date and time of discovery of the theft or loss.

State law reference—R.C. §§ 2925.55, 2925.56, 2925.57, 2925.58, 3715.05, 3715.06

CHAPTER 630. GAMBLING*

630.01 Definitions.

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

***Cross references**—Definitions generally, see section 606.01; Disposition of unclaimed or forfeited property held by Police Department, see section 608.16

State law references—Power to destroy devices, see R.C. § 715.51; Power to prohibit gambling, see R.C. § 715.49

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.

Bingo means either of the following:

(a) A game with all of the following characteristics:

- (1) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into 25 spaces arranged in five (5) horizontal and five (5) 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;
- (2) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator;
- (3) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains 75 objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one (1) of the 75 possible combinations of a letter and a number that can appear on the bingo cards or sheets;
- (4) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers, as described in division (1) C. of this definition, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(b) Instant bingo, electronic instant bingo, and raffles.

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, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.

Bingo session means a period that includes both of the following:

- (a) Not to exceed five (5) continuous hours for the conduct of one (1) or more games described in division (a) of the definition of "bingo" in this section, instant bingo and electronic instant bingo;
- (b) A period for the conduct of instant bingo and electronic instant bingo for not more than two (2) hours before and not more than two (2) hours after the period described in division (a) of this definition.

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; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter or R.C. Ch. 2915. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

Bookmaking means the business of receiving or paying off bets.

Chamber of commerce means any organization of individuals, professionals and businesses that has the purpose to advance the commercial, financial, industrial and civic interests of the community and that is, and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(6).

Charitable bingo game means any bingo game described in divisions (a) or (b) of the definition of "bingo" in this section that is conducted by a charitable organization that has obtained a license pursuant to R.C. § 2915.08 and the proceeds of which are used for a charitable purpose.

Charitable instant bingo organization means an organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization or a sporting organization pursuant to R.C. § 2915.13, or any substantially equivalent municipal ordinance.

Charitable organization means:

- (a) Except as otherwise provided in this chapter, "charitable organization" means either of the following:
 - (1) An organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3);
 - (2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC §§ 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10) or 501(c)(19).
- (b) To qualify as a charitable organization, an organization shall have been in continuous existence as such in this state for a period of two (2) years immediately preceding either the

making of an application for a bingo license under R.C. § 2915.08 or the conducting of any game of chance as provided in R.C. § 2915.02(D), or a substantially equivalent municipal ordinance.

Charitable purpose means the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated or otherwise transferred to, any of the following:

- (a) Any organization that is described in IRC 509(a)(1), (a)(2) or (a)(3) and is either a governmental unit or an organization that is tax exempt under IRC 501(a) and described in IRC 501(c)(3);
- (b) A veteran's organization that is a post, chapter or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter or organization organized in the United States or any of its possessions, at least 75 percent 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 those individuals, provided that no part of the net earnings of the post, chapter or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter or organization for the charitable purposes set forth in R.C. § 5739.02(B)(12), is used for awarding scholarships to or for attendance at an institution mentioned in that division of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups or other bona fide nonprofit organizations, promotion of patriotism or disaster relief;
- (c) A fraternal organization that has been in continuous existence in this state for 15 years and that uses the net profit exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, if contributions for that use would qualify as a deductible charitable contribution under IRC 170;
- (d) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of "volunteer firefighter's organization" in this section.

Community action agency has the same meaning as in R.C. § ~~122.66~~ 5101.311.

Conduct means to back, promote, organize, manage, carry on, sponsor or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.

Deal means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.

Distributor means any person who purchases or obtains bingo supplies and who does either of the following:

- (a) Sells, offers for sale or otherwise provides or offers to provide the bingo supplies to another person for use in this state;
- (b) Modifies, converts, adds to or removes parts from the bingo supplies to further their promotion or sale for use in this state.

Electronic bingo aid means:

(a) "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:

- (1) It provides a means for a participant to input numbers and letters announced by a bingo caller.
- (2) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
- (3) It identifies a winning bingo pattern.

(b) "Electronic bingo aid" does not include any device into which a coin, currency, token or an equivalent is inserted to activate play.

Electronic instant bingo means:

(a) A form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:

- (1) Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.
- (2) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.
- (3) Each electronic instant bingo ticket within a deal is sold for the same price.
- (4) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.
- (5) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.
- (6) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.

(b) "Electronic instant bingo" shall not include any of the following:

- (1) Any game, entertainment, or bonus theme that replicates or simulates any of the following:
 - A. The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;
 - B. Horse racing;

C. Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in R.C. § 3770.21.

(2) Any device operated by dropping one (1) or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one (1) to three (3) or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

(3) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.

Electronic instant bingo system means both of the following:

(a) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:

(1) It is used by not more than one (1) player at a time to play electronic instant bingo on a single screen that is physically connected to the device;

(2) It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under R.C. § 2915.08.

(b) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.

Expenses means the reasonable amount of gross profit actually expended for all of the following:

(a) The purchase or lease of bingo supplies;

(b) The annual license fee required under R.C. § 2915.08;

(c) Bank fees and service charges for a bingo session or game account described in R.C. § 2915.10;

(d) Audits and accounting services;

(e) Safes;

(f) Cash registers;

(g) Hiring security personnel;

(h) Advertising bingo;

(i) Renting premises in which to conduct a bingo session;

(j) Tables and chairs;

(k) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern or canteen and any grounds attached to the post home, club house, lounge, tavern or canteen;

(l) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

(m) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under R.C. § 2915.08(F)(1).

Fraternal organization means any society, order, state headquarters or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.

Gambling device means any of the following:

- (a) A book, totalizer or other equipment used for recording bets;
- (b) A ticket, token or other device representing a chance, share or interest in a scheme of chance or evidencing a bet;
- (c) A deck of cards, dice, gaming table, roulette wheel, slot machine or other apparatus designed for use in connection with a game of chance;
- (d) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes;
- (e) Bingo supplies sold or otherwise provided, or used, in violation of this chapter or R.C. Ch. 2915.

Gambling offense means any of the following:

- (a) A violation of R.C. Ch. 2915;
- (b) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any provision of this chapter or R.C. Ch. 2915 or a violation of R.C. § 2915.06 as it existed prior to July 1, 1996;
- (c) An offense under an existing or former municipal ordinance or law of this or any other state or of the United States, of which gambling is an element;
- (e) A conspiracy or attempt to commit, or complicity in committing, any offense under division (a), (b) or (c) of this definition.

Game flare means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that includes the following information for the game:

- (a) The name of the game;
- (b) The manufacturer's name or distinctive logo;
- (c) The form number;
- (d) The ticket count;

- (e) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets;
- (f) The cost per play;
- (g) The serial number of the game.

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.

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.

Gross annual revenues means the annual gross receipts derived from the conduct of bingo described in division (1) of the definition of "bingo" in this section plus the annual net profit derived from the conduct of bingo described in division (2) of the definition of "bingo" in this section.

Gross profit means gross receipts minus the amount actually expended for the payment of prize awards.

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:

- (a) 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 (2) years prior to conducting bingo.
- (b) 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.
- (c) The food and beverages are sold at customary and reasonable prices.

Historic railroad means all or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for-profit common carrier in this state at any time prior to January 1, 1950.

Instant bingo means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one (1) or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. The term does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one (1) of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

Instant bingo ticket dispenser 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:

- (a) It is activated upon the insertion of United States currency.
- (b) It performs no gaming functions.

- (c) It does not contain a video display monitor or generate noise.
- (d) It is not capable of displaying any numbers, letters, symbols or characters in winning or losing combinations.
- (e) It does not simulate or display rolling or spinning reels.
- (f) It is incapable of determining whether a dispensed bingo ticket or card is a winning or non-winning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
- (g) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
- (h) It is not part of an electronic network and is not interactive.

IRC or Internal Revenue Code means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. §§ 1 et seq., as now or hereafter amended.

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.

Merchandise prize means any item of value, but shall not include any of the following:

- (a) Cash, gift cards or any equivalent thereof;
- (b) Plays on games of chance, state lottery tickets, or bingo;
- (c) Firearms, tobacco or alcoholic beverages; or
- (d) A redeemable voucher that is redeemable for any of the items listed in division (a), (b) or (c) of this definition.

Net profit means gross profit minus expenses.

Net profit from the proceeds of the sale of instant bingo or electronic instant bingo means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.

Participant means any person who plays bingo.

Person has the same meaning as in R.C. § 1.59 and includes any firm or any other legal entity, however organized.

Pool not conducted for profit means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

Punch board means a form of instant bingo that uses 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.

A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

Raffle means a form of bingo in which the one (1) or more prizes are won by one (1) or more persons who have purchased a raffle ticket. The one(1) or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. The term does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

- (a) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
- (b) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

Redeemable voucher means any ticket, token, coupon, receipt or other noncash representation of value.

Religious organization means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

Revoke means to void permanently all rights and privileges of the holder of a license issued under R.C. § 2915.08, 2915.081 or 2915.082 or a charitable gaming license issued by another jurisdiction.

Scheme of chance means:

(a) A slot machine unless authorized under R.C. Ch. 3772, lottery unless authorized under R.C. Ch. 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:

- (1) Less than 50 percent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one (1) location;
- (2) Less than 50 percent of participants who purchase goods or services at any one (1) location do not accept, use, or redeem the goods or services sold or purportedly sold;
- (3) More than 50 percent of prizes at any one (1) location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in R.C. § 3772.01;

- (4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
- (5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one (1) or more game entries;
- (6) A participant may use the electronic device to purchase additional game entries;
- (7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
- (8) A scheme of chance operator pays out in prize money more than 20 percent of the gross revenue received at one (1) location; or
- (9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

(b) As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

Seal card means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one (1) or more seals that, when removed or opened, reveal predesignated winning numbers, letters or symbols.

Security personnel means any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to R.C. §§ 109.71 to 109.79 and who is hired to provide security for the premises on which bingo is conducted.

Skill-based amusement machine means:

- (a) (1) A mechanical, video, digital or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:
 - A. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed \$10.00;
 - B. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than \$10.00;
 - C. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than \$10.00 times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
 - D. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

(2) A card for the purchase of gasoline is a redeemable voucher for purposes of division (a) of this definition even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(b) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one (1) or more of the following apply:

(1) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;

(2) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(3) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;

(4) The success of any player is or may be determined by a chance event that cannot be altered by player actions;

(5) The ability of any player to succeed at the game is determined by game features not visible or known to the player;

(6) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(c) All of the following apply to any machine that is operated as described in division (a) of this definition:

(1) As used in this definition of "skill-based amusement machine," "game" and "play" mean one (1) event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(2) Advance play for a single game, play, contest, competition or tournament participation may be purchased. The cost of the contest, competition or tournament participation may be greater than a single non-contest, competition or tournament play.

(3) To the extent that the machine is used in a contest, competition or tournament, that contest, competition or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(d) For purposes of division (a) of this definition, the mere presence of a device, such as a pin-setting, ball-releasing or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

Slot machine means:

(a) 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;
- (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 bingo or a scheme or game of chance.

(b) "Slot machine" does not include a skill-based amusement machine, an instant bingo ticket dispenser, or an electronic instant bingo system.

Sporting organization means a hunting, fishing or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including, but not limited to, the League of Ohio Sportsmen, and that has been in continuous existence in this state for a period of three (3) years.

Suspend means to interrupt temporarily all rights and privileges of the holder of a license issued under R.C. § 2915.08, 2915.081 or 2915.082 or a charitable gaming license issued by another jurisdiction.

Sweepstakes means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under R.C. Ch. 2915, pari-mutuel wagering as authorized by R.C. Ch. 3769, lotteries conducted by the state lottery commission as authorized by R.C. Ch. 3770, and casino gaming as authorized by R.C. Ch. 3772.

Sweepstakes terminal device means:

(a) A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

- (1) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
- (2) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
- (3) The device selects prizes from a predetermined finite pool of entries.
- (4) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
- (5) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
- (6) The device utilizes software to create a game result.

(7) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.

(8) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(b) As used in this definition and in section 630.02:

Enter means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.

Entry means one (1) event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.

Prize means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

Sweepstakes terminal device facility means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in section 630.02(g) and R.C. § 2915.02(G).

Veteran's organization means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five (5) years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.

Volunteer firefighter's organization means any organization of volunteer firefighters, as defined in R.C. § 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation or township.

Volunteer rescue service organization means any organization of volunteers organized to function as an emergency medical service organization, as defined in R.C. § 4765.01.

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 21 years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.

Youth athletic park organization means any organization, not organized for profit, that satisfies both of the following:

(a) It owns, operates and maintains playing fields that satisfy both of the following:

(1) The playing fields are used for athletic activities by one (1) or more organizations, not organized for profit, each of which is organized and operated exclusively to provide

financial support to, or to operate, athletic activities for persons who are 18 years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league, or association.

(2) The playing fields are not used for any profit-making activity at any time during the year.

(b) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (1) of this definition.

State law reference—R.C. § 2915.01

CHAPTER 636. OFFENSES RELATING TO PERSONS*

636.06 Menacing.

(a) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

(b) Whoever violates this section is guilty of menacing. Except as otherwise provided in this division (b), menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony to be prosecuted under appropriate state law.

(c) As used in this section;

(1) "Emergency service responder" has the same meaning as in R.C. § 2903.13 and also includes a probation officer.

(2) "~~organization~~ Organization" includes an entity that is a governmental employer.

(3) "Probation officer" means a probation officer appointed by a municipal court under R.C. § 1901.33, a probation officer appointed by a county court under R.C. §1907.201, and a probation officer appointed by a court of common pleas under R.C. § 2301.27.

State law reference—R.C. § 2903.22

636.14 Contributing to the unruliness or delinquency of a child.

(a) As used in this section:

Delinquent child has the same meaning as in R.C. § 2152.02.

Unruly child has the same meaning as in R.C. § 2151.022.

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

(1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;

(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;

(3) Act in a way that contributes to ~~an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an a child being a~~ habitual truant;

(4) If the person is the parent, guardian, or custodian of a child who has the duties under R.C. Chs. 2152 and 2950 to register, register a new residence address, and periodically verify a residence address, and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in R.C. § 2919.121, fail to ensure that the child complies with those duties under R.C. Chs. 2152 and 2950.

(c) An adjudication of a child as being unruly or delinquent is unnecessary for a conviction under this section.

(d) 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.

State law reference—R.C. § 2919.24

636.21 Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.

(a) *Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products.*

(1) As used in this section:

Age verification means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is 21 years of age or older.

Alternative nicotine product means:

A. Subject to division B of this definition, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

B. The phrase does not include any of the following:

1. Any cigarette or other tobacco product;
2. Any product that is a "drug" as that term is defined in 21 U.S.C. § 321(g)(1);
3. Any product that is a "device" as that term is defined in 21 U.S.C. § 321(h);
4. Any product that is a "combination product" as described in 21 U.S.C. § 353(g).

Cigarette includes clove cigarettes and hand-rolled cigarettes.

Distribute means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

Electronic smoking device means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g).

Proof of age means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 to 4507.52 that shows that a person is 18 years of age or older.

Tobacco product means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g).

Vapor product means a product, other than a cigarette or other tobacco product as defined in R.C. Ch. 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. The phrase includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g). The phrase includes any product containing nicotine, regardless of concentration.

Vending machine has the same meaning as "coin machine" in R.C. § 2913.01.

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

A. Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any person under 21 years of age;

B. Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half ($\frac{1}{2}$) inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age is prohibited by law;

C. Knowingly furnish any false information regarding the name, age, or other identification of any person under 21 years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

D. Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than 20 cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one (1) ounce of tobacco;

E. Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

F. Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

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

A. An area within a factory, business, office, or other place not open to the general public;

B. An area to which persons under 21 years of age are not generally permitted access;

C. Any other place not identified in division (a)(3) A. or (a)(3) B. of this section, upon all of the following conditions:

1. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending

2. The vending machine is inaccessible to the public when the place is closed.

3. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least

one-half (½) inch high: "It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(4) The following are affirmative defenses to a charge under division (a)(2) A. of this section:

A. The person under 21 years of age was accompanied by a parent, spouse who is 21 years of age or older, or legal guardian of the person under 21 years of age.

B. The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age under division (a)(2) A. of this section is a parent, spouse who is 21 years of age or older, or legal guardian of the person under 21 years of age.

(5) It is not a violation of division (a)(2) A. or (a)(2) B. of this section for a person to give or otherwise distribute to a person under 21 years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under 21 years of age is participating in a research protocol if all of the following apply:

A. The parent, guardian, or legal custodian of the person under 21 years of age has consented in writing to the person under 21 years of age participating in the research protocol.

B. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

C. The person under 21 years of age is participating in the research protocol at the facility or location specified in the research protocol.

(6) A. Whoever violates division (a)(2) A., (a)(2) B., (a)(2) D., (a)(2) E., or (a)(2) F. or (a)(3) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (a)(2) A., (a)(2) B., (a)(2) D., (a)(2) E., or (a)(2) F. or (a)(3) of this section or a substantially equivalent state law or municipal ordinance, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(7)A. Notwithstanding R.C. § 2929.28(A)(2), if an offender is convicted of or pleads guilty to a violation of division (2)A. of this section, the court shall impose a fine in the following amount:

(i) Except as otherwise provided in divisions (8)A(i), (iii), (iv), and (v) of this section, not more than two hundred fifty dollars;

(ii) Except as otherwise provided in divisions (8)A(iii), (iv), and (v) of this section, if an offender has previously been convicted of or pleaded guilty to a violation of division (2)A of this section, not more than five hundred dollars;

(iii) Except as otherwise provided in divisions (8)A(iv) and (v) of this section, if an offender previously has been convicted of or pleaded guilty to two or more violations of division (2)A of this section, five hundred dollars;

(iv) Except as otherwise provided in division (8)A(v) of this section, if an offender previously has been convicted of or pleaded guilty to three or more violations of division (2)A of this section, one thousand dollars;

(v) If an offender previously has been convicted of or pleaded guilty to four or more violations of division (2)A of this section, one thousand five hundred dollars.

(b) The financial sanctions required by division (7)A of this section are in lieu of the financial sanctions described in R.C. § 2929.28(A)(2) of the Revised Code, but are in addition to any other sanctions or penalties that may apply to the offender, including other financial sanctions under that section or a jail term under R.C. § 2929.24.

B.(8) Whoever violates division (a)(2) C. of this section is guilty of permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (a)(2)C. of this section or a substantially equivalent state law or municipal ordinance, permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(79) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under 21 years of age in violation of this section and that are used, possessed, purchased, or received by a person under 21 years of age in violation of R.C. § 2151.87 are subject to seizure and forfeiture as contraband under R.C. Ch. 2981.

(b) Transaction scan.

(1) For the purpose of this division and division (c) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Card holder means any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent or employee.

Identification card means an identification card issued under R.C. §§ 4507.50 to 4507.52.

Seller means a seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of division (a) of this section.

Transaction scan means the process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.

Transaction scan device means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.

(2) A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder cigarettes, other tobacco products, or alternative nicotine products.

B. If the information deciphered by the transaction scan performed under division (b)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.

C. Division (b)(2)A. of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.

(3) Rules adopted by the registrar of motor vehicles under R.C. § 4301.61(C) apply to the use of transaction scan devices for purposes of this division (b) and division (c) of this section.

(4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:

1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;
2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.

B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (b)(4) A. of this section, except for purposes of division (c) of this section.

C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in division (c)(2) A. of this section.

D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by division (c) of this section or another section of these Codified Ordinances or the Ohio Revised Code.

(5) Nothing in this division (b) or division (c) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away or other distribution of cigarettes, other tobacco products, or alternative nicotine products.

(6) Whoever violates division (b)(2) B. or (b)(4) of this section is guilty of engaging in an illegal tobacco product or alternative nicotine product transaction scan, and the court may impose

upon the offender a civil penalty of up to \$1,000.00 for each violation. The clerk of the court shall pay each collected civil penalty to the county treasurer for deposit into the county treasury.

(c) Affirmative defenses.

(1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of division (a) of this section in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:

A. A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.

B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

C. The cigarettes, other tobacco products, or alternative nicotine products were sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (c)(1) of this section, the trier of fact in the action for the alleged violation of division (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of division (a) of this section. For purposes of division (c)(1) C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is 21 years of age or older;

B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(3) In any criminal action in which the affirmative defense provided by division (c)(1) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an identification card under R.C. §§ 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles in the action.

(d) Shipment of tobacco products.

(1) As used in this division (d):

Authorized recipient of tobacco products means a person who is:

- A. Licensed as a cigarette wholesale dealer under R.C. § 5743.15;
- B. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
- C. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;
- D. An operator of a customs bonded warehouse under 19 U.S.C. § 1311 or 19 U.S.C. § 1555;
- E. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
- F. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
- G. A person having a consent for consumer shipment issued by the Tax Commissioner under R.C. § 5743.71.

Motor carrier has the same meaning as in R.C. § 4923.01.

(2) The purpose of this division (d) is to prevent the sale of cigarettes to minors and to ensure compliance with the master settlement agreement, as defined in R.C. § 1346.01.

(3) A. No person shall cause to be shipped any cigarettes to any person in this municipality other than an authorized recipient of tobacco products.

B. No motor carrier or other person shall knowingly transport cigarettes to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the motor carrier or other person knew that the person to whom the cigarettes were delivered was not an authorized recipient of tobacco products.

(4) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this municipality in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes."

(5) A court shall impose a fine of up to \$1,000.00 for each violation of division (d)(3)A., (d)(3) B. or (d)(4) of this section.

(e) *Furnishing false information to obtain tobacco products.*

(1) No person who is 18 years of age or older but younger than 21 years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.

(2) Whoever violates division (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender

previously has been convicted of or pleaded guilty to a violation of division (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree.

State law reference—R.C. §§ 2927.02, 2927.021, 2927.022, 2927.023, 2927.024

CHAPTER 642. OFFENSES RELATING TO PROPERTY*

642.01 Definitions.

For the purpose of this chapter and chapter 672, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Active duty service member means any member of the armed forces of the United States performing active duty under Title 10 of the United States Code.

***Cross references**—Alteration, injury, removal of traffic-control devices, see section 414.08; Definitions generally, see section 606.01; Detention of shoplifters and those committing motion picture piracy; protection of institutional property, see section 608.17; Disposition of unclaimed or forfeited property held by Police Department, see section 608.16; Endangering aircraft and airport operations, see section 678.11; "Physical harm to property" defined, see section 606.01; Possessing criminal tools, see section 678.12; "Property" defined, see section 606.01; "Serious physical harm to property" defined, see section 606.01; Theft and fraud, see chapter 672

State law references—Parents' liability for destructive acts of their children, see R.C. § 3109.09; Value of written instrument or evidence of debt, see R.C. § 1.07

Anhydrous ammonia means a compound formed by the combination of two (2) gaseous elements, nitrogen and hydrogen, in the manner described below. "Anhydrous ammonia" is one (1) part nitrogen to three (3) parts hydrogen (NH₃). "Anhydrous ammonia" by weight is 14 parts nitrogen to three (3) parts hydrogen, which is approximately 82 percent nitrogen to 18 percent hydrogen.

Assistance dog has the same meaning as in R.C. § ~~955.011~~ 955.021.

Cable television service means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

Coin machine means any mechanical or electronic device designed to do both of the following:

- (a) Receive a coin or bill, or token made for that purpose;
- (b) In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.

Computer means an electronic device that performs logical, arithmetic and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature.

Computer contaminant means a computer program that is designed to modify, damage, destroy, disable, deny or degrade access to, allow unauthorized access to, functionally impair, record or transmit information within a computer, computer system, or computer network without the express or implied consent of the owner or other person authorized to give consent and that is of a type or kind described in divisions (a) through (d) of this definition or of a type or kind similar to a type or kind described in divisions (a) through (d) of this definition:

- (a) A group of computer programs commonly known as "viruses" and "worms" that are self-replicating or self-propagating and that are designed to contaminate other computer programs, compromise computer security, consume computer resources, modify, destroy, record or transmit data, or disrupt the normal operation of the computer, computer system or computer network;
- (b) A group of computer programs commonly known as "Trojans" or "Trojan horses" that are not self-replicating or self-propagating and that are designed to compromise computer security, consume computer resources, modify, destroy, record or transmit data, or disrupt the normal operation of the computer, computer system or computer network;
- (c) A group of computer programs commonly known as "zombies" that are designed to use a computer without the knowledge and consent of the owner, or other person authorized to give consent, and that are designed to send large quantities of data to a targeted computer network for the purpose of degrading the targeted computer's or network's performance, or denying access through the network to the targeted computer or network, resulting in what is commonly known as "denial of service" or "distributed denial of service" attacks;
- (d) A group of computer programs commonly known as "trap doors," "back doors," or "root kits" that are designed to bypass standard authentication software and that are designed to allow access or use of a computer without the knowledge or consent of the owner, or other person authorized to give consent.

Computer hacking means:

- (a) "Computer hacking" means any of the following:
 - (1) Gaining access or attempting to gain access to all or part of a computer, computer system or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime;
 - (2) Misusing computer or network services, including, but not limited to, mail transfer programs, file transfer programs, proxy servers and web servers, by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, "misuse of computer and network services" includes, but is not limited to, the unauthorized use of any of the following:
 - A. Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network;
 - B. File transfer program services or proxy servers to access other computers, computer systems or computer networks;
 - C. Web servers to redirect users to other web pages or web servers.

(3) A. Subject to division (a)(3)B. of this definition, using a group of computer programs commonly known as "port scanners" or "probes" to intentionally access any computer, computer system or computer network without the permission of the owner of the computer, computer system or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including, but not limited to, operating systems, computer services or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system or computer network; or any other information about a computer, computer system or computer network not necessary for the normal and lawful operation of the computer initiating the access.

B. The group of computer programs referred to in division (a)(3)A. of this definition does not include standard computer software used for the normal operation, administration, management and test of a computer, computer system or computer network, including, but not limited to, domain name services, mail transfer services and other operating system services, computer programs commonly called "ping," "tcpdump," and "traceroute" and other network monitoring and management computer software, and computer programs commonly known as "nslookup" and "whois" and other systems administration computer software.

(4) The intentional use of a computer, computer system or a computer network in a manner that exceeds any right or permission granted by the owner of the computer, computer system or computer network or other person authorized to give consent.

(b) "Computer hacking" does not include the introduction of a computer contaminant, as defined in this section, into a computer, computer system, computer program or computer network.

Computer network means a set of related and remotely-connected computers and communication facilities that includes more than one (1) computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.

Computer program means an ordered set of data representing coded instructions or statements that, when executed by a computer, causes the computer to process data.

Computer services includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.

Computer software means computer programs, procedures and other documentation associated with the operation of a computer system.

Computer system means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output and storage devices, data communications links, and

computer programs and data that make the system capable of performing specified special purpose data processing tasks.

Counterfeit telecommunications device means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured or programmed to acquire, intercept, receive or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. The phrase includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.

Create a substantial risk of serious physical harm to any person includes the creation of a substantial risk of serious physical harm to any emergency personnel.

Credit card includes, but is not limited to, a card, code, device or other means of access to a customer's account for the purpose of obtaining money, property, labor or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine, or a cash dispensing machine. It also includes a county procurement card issued under R.C. § 301.29.

Dangerous drug has the same meaning as in R.C. § 4729.01.

Data means a representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system or computer network.

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

Defraud means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

Deprive means to do any of the following:

- (a) To withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;
- (b) To dispose of property so as to make it unlikely that the owner will recover it;
- (c) To accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.

Disabled adult means a person who is 18 years of age or older and has some impairment of body or mind that makes the person unable to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least 12 months without any present indication of recovery from the impairment, or who is

18 years of age or older and has been certified as permanently and totally disabled by an agency of this state or the United States that has the function of so classifying persons.

Drug abuse offense has the same meaning as in R.C. § 2925.01.

Elderly person means a person who is 65 years of age or older.

Electronic fund transfer has the same meaning as in 92 Stat. 3728, 15 U.S.C. § 1693a, as amended.

Emergency personnel means any of the following persons:

- (a) A peace officer, as defined in R.C. § 2935.01;
- (b) A member of a fire department or other firefighting agency of a municipal corporation, township, township fire district, joint fire district, other political subdivision or combination of political subdivisions;
- (c) A member of a private fire company, as defined in R.C. § 9.60, or a volunteer firefighter;
- (d) A member of a joint ambulance district or joint emergency medical services district;
- (e) An emergency medical technician-basic, emergency medical technician- intermediate, emergency medical technician-paramedic, ambulance operator or other member of an emergency medical service that is owned or operated by a political subdivision or a private entity;
- (f) The state fire marshal, the chief deputy state fire marshal or an assistant state fire marshal;
- (g) A fire prevention officer of a political subdivision or an arson, fire or similar investigator of a political subdivision.

Federally-licensed firearms dealer has the same meaning as in R.C. § 5502.63.

Firearm and *dangerous ordnance* have the same meaning as in R.C. § 2923.11.

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.

Gain access means to approach, instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or computer network, or any cable service or cable system both as defined in R.C. § 2913.04.

Information service means:

- (a) Subject to division (b) of this definition, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing or making available information via telecommunications, including, but not limited to, electronic publishing.
- (b) "Information service" does not include any use of a capability of a type described in division (a) of this definition for the management, control or operation of a telecommunications system or the management of a telecommunications service.

Internet has the same meaning as in R.C. § 341.42.

Motor vehicle has the same meaning as in R.C. § 4501.01.

Occupied structure means any house, building, outbuilding, watercraft, aircraft, railroad car, truck, trailer, tent or other structure, vehicle or shelter, or any portion thereof, to which any of the following applies:

- (a) It is maintained as a permanent or temporary dwelling, even though it is temporarily unoccupied and whether or not any person is actually present;
- (b) At the time, it is occupied as the permanent or temporary habitation of any person, whether or not any person is actually present;
- (c) At the time, it is specially adapted for the overnight accommodation of any person, whether or not any person is actually present;
- (d) At the time, any person is present or likely to be present in it.

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.

Police dog or horse has the same meaning as in R.C. § 2921.321.

Political subdivision has the same meaning as in R.C. § 2744.01.

Rented property means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property within any applicable minimum or maximum term; and the amount of consideration is generally determined by the duration of possession of the property.

Services includes labor, personal services, professional services, rental services, public utility services including wireless service as defined in R.C. § 128.01(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services and, for purposes of R.C. § 2913.04 or any substantially equivalent municipal ordinance, includes cable services as defined in that section.

Slug 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.

State has the same meaning as in R.C. § 2744.01.

Telecommunication means the origination, emission, dissemination, transmission or reception of data, images, signals, sounds or other intelligence or equivalence or intelligence of any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital or analog method.

Telecommunications device means any instrument, equipment, machine or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem or device that enables the use of a modem.

Telecommunications service means the providing, allowing, facilitating or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.

Theft offense means any of the following:

- (a) A violation of R.C. § 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.08, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48, former R.C. § 2913.47 or 2913.48, or R.C. § 2913.51, 2915.05, or 2921.41;
- (b) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any section listed in division (a) of this definition, or a violation of R.C. § 2913.41, 2913.81 or 2915.06 as it existed prior to July 1, 1996;
- (c) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit or fraud;
- (d) A conspiracy to commit, attempt to commit, or complicity in committing any offense under division (a), (b) or (c) of this definition.

Utter means to issue, publish, transfer, use, put or send into circulation, deliver or display.

Writing means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, type-written or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.

State law reference—R.C. §§ 2909.01, 2913.01

642.12 Assaulting police dog or horse, or assistance dog.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

- (1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.
- (2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

- (1) Taunt, torment or strike a police dog or horse;
- (2) Throw an object or substance at a police dog or horse;
- (3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

- A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;
- B. Deprives the law enforcement officer of control of the police dog or horse;
- C. Releases the police dog or horse from its area of control;
- D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;
- E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;

(5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

- (1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.
- (2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(d) No person shall recklessly do any of the following:

- (1) Taunt, torment or strike an assistance dog;
- (2) Throw an object or substance at an assistance dog;
- (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:
 - A. Inhibits or restricts the assisted or served person's control of the dog;
 - B. Deprives the assisted or served person of control of the dog;
 - C. Releases the dog from its area of control;
 - D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the dog to assist the assisted or served person;

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(e) (1) Whoever violates division (a) of this section is guilty of assaulting a police dog or horse. Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in physical harm to the police dog or horse other than death or serious physical harm, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation results in serious physical harm to the police dog or horse or results in its death, assaulting a police dog or horse is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (b) of this section is guilty of harassing a police dog or horse. Except as otherwise provided this division, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree. If the violation results in serious physical harm to the police dog or horse or results in its death, harassing a police dog or horse is a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (c) of this section is guilty of assaulting an assistance dog. Except as otherwise provided in this division, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in physical harm to the assistance dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation results in serious physical harm to the assistance dog or results in its death, assaulting an assistance dog is a felony to be prosecuted under appropriate state law.

(4) Whoever violates division (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this division, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in physical harm to the assistance dog but does not result in the death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree. If the violation results in serious physical harm to the assistance dog or results in its death, harassing an assistance dog is a felony to be prosecuted under appropriate state law.

(5) In addition to any other sanctions or penalty imposed for the offense under this section, R.C. Ch. 2929 or any other provision of the Revised Code or this Code, whoever violates division (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:

A. Any veterinary bill or bill for medication incurred as a result of the violation by the police department regarding a violation of division (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of division (c) or (d) of this section;

B. The cost of any damaged equipment that results from the violation;

C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(f) This section does not apply to a licensed veterinarian whose conduct is in accordance with R.C. Ch. 4741.

(g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or an assistance dog.

(h) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Assistance dog, blind and mobility impaired person have the same meaning as in R.C. § ~~955.011~~ 955.021.

Physical harm means any injury, illness or other psychological impairment, regardless of its gravity or duration.

Police dog or horse means a dog or horse that has been trained and may be used to assist law enforcement officers in the performance of their official duties.

Serious physical harm means any of the following:

- (1) Any physical harm that carries a substantial risk of death.
- (2) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming.
- (3) Any physical harm that causes acute pain of a duration that results in substantial suffering.

State law reference—R.C. § 2921.321

CHAPTER 648. PEACE DISTURBANCES*

CHAPTER 660. SAFETY, SANITATION AND HEALTH*

CHAPTER 665. WEEDS AND GRASS

CHAPTER 666. SEX RELATED OFFENSES*

666.01 Definitions.

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

Harmful to juveniles means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement or sado-masochistic abuse in any form to which all of the following apply:

- (a) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.
- (b) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.
- (c) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.

Juvenile means any unmarried person under 18 years of age.

Material means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, video cassette, laser disc, phonograph record, cassette tape, compact disc or other tangible thing capable of arousing interest through sight, sound or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.

Mental health client or patient has the same meaning as in R.C. § 2305.51.

Mental health professional has the same meaning as in R.C. § 2305.115.

Minor means a person under the age of 18.

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.

Obscene when considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

- (a) Its dominant appeal is to prurient interest.
- (b) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way that tends to represent human beings as mere objects of sexual appetite.

(c) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality.

(d) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose.

(e) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.

Performance means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.

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.

Sado-masochistic abuse means flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

Sexual activity means sexual conduct or sexual contact, or both.

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 opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual contact means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Spouse means a person married to an offender at the time of an alleged offense, except that the person shall not be considered the spouse when any of the following apply:

(a) When the parties have entered into a written separation agreement pursuant to R.C. § 3103.06.

(b) When an action is pending between the parties for annulment, divorce, dissolution of marriage or legal separation.

(c) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

Licensed medical professional means any of the following medical professionals:

(a) A physician assistant licensed under Chapter 4730. of the Revised Code;

(b) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(c) A massage therapist licensed under Chapter 4731. of the Revised Code.

State law reference—R.C. § 2907.01

666.03 Sexual imposition.

(a) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two (2) or more other persons to have sexual contact when any of the following applies: 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.

~~(1) The offender knows that the sexual contact is offensive to the other person, or one (1) of the other persons, or is reckless in that regard.~~

~~(2) The offender knows that the other person's, or one (1) 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 (1) of the other persons, submits because of being unaware of the sexual contact.~~

~~(4) The other person, or one (1) of the other persons, is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the person, and the offender is at least 18 years of age and four (4) or more years older than the other person.~~

~~(5) The offender is a mental health professional, the other person or one (1) of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.~~

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

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three (3) or more violations of this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in R.C. § 2929.24, the court may impose on the offender a definite jail term of not more than one (1) year.

(Ord. No. 27-2024, § 1(Exh. A), 11-21-2024)

State law references—Gross sexual imposition, felony, see R.C. § 2907.05; Notice to licensing board or agency upon indictment, conviction or guilty plea of mental health professional, see R.C. §§ 2907.17 and 2907.18; R.C. § 2907.06

666.24 Nonconsensual dissemination of private sexual images.

(a) As used in this section:

Child-victim oriented offense and sexually oriented offense have the same meaning as in R.C. § 2950.01.

Cable service provider has the same meaning as in R.C. § 1332.01.

Direct-to-home satellite service has the meaning defined in 47 U.S.C. § 303, as amended.

Disseminate means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.

Image means a photograph, film, videotape, digital recording, or other depiction or portrayal of a person.

Interactive computer service has the meaning defined in the "Telecommunications Act of 1996," 47 U.S.C. § 230, as amended.

Internet provider means a provider of internet service, including all of the following:

- (1) Broadband service, however defined or classified by the Federal Communications Commission;
- (2) Information service or telecommunications service, both as defined in the "Telecommunications Act of 1996," 47 U.S.C. § 153, as amended;
- (3) Internet protocol-enabled services, as defined in R.C. § 4927.01.

Mobile service has the meaning defined in 47 U.S.C. § 153, as amended.

Sexual act means any of the following:

- (1) Sexual activity;
- (2) Masturbation;
- (3) An act involving a bodily substance that is performed for the purpose of sexual arousal or gratification;
- (4) Sado-masochistic abuse.

Telecommunications carrier has the meaning defined in 47 U.S.C. § 153, as amended.

Video service provider has the same meaning as in R.C. § 1332.21.

Fabricated sexual image has the same meaning as in R.C. § 2307.66.

(b) No person shall knowingly disseminate an image of another person if all of the following apply:

- (1) The person in the image is 18 years of age or older.
- (2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.
- (3) The person in the image is in a state of nudity or is engaged in a sexual act.
- (4) The image is disseminated without consent from the person in the image.
- (5) The image is disseminated with intent to harm the person in the image.

(c) No person shall knowingly disseminate a fabricated sexual image of another person without the other person's consent.

(d) No person shall, without the consent of the depicted person, in order to harass, extort, threaten, or cause physical, emotional, reputational, or economic harm to a person falsely depicted, knowingly do either of the following:

- (1) Create a fabricated sexual image with intent to distribute;
- (2) Solicit the creation of a fabricated sexual image with intent to distribute.

(e) This section does not prohibit the dissemination of an image or fabricated sexual image if any of the following apply:

- (1) The image or fabricated sexual image is disseminated for the purpose of a criminal investigation that is otherwise lawful.
- (2) The image or fabricated sexual image is disseminated for the purpose of, or in connection with, the reporting of unlawful conduct.
- (3) The image or fabricated sexual image is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work.
- (4) The image or fabricated sexual image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties.
- (5) The image or fabricated sexual image is disseminated for another lawful public purpose.
- (6) ~~The~~ If the person in the image or fabricated sexual image is eighteen years of age or older, the person in the image or fabricated sexual image is knowingly and willingly in a state of nudity

or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.

(7) The image is disseminated for the purpose of medical treatment or examination.

(~~d~~f) The following entities are not liable for a violation of this section solely as a result of an image or fabricated sexual image or other information provided by another person:

- (1) A provider of interactive computer service;
- (2) A mobile service;
- (3) A telecommunications carrier;
- (4) An internet provider;
- (5) A cable service provider;
- (6) A direct-to-home satellite service;
- (7) A video service provider.

(~~e~~g) Any conduct that is a violation of this section and any other section of this Code or the Ohio Revised Code may be prosecuted under this section, the other section, or both sections.

(~~h~~f) (1)A. Except as otherwise provided in division (~~h~~f)(1)B, (~~h~~f)(1)C, or (~~h~~f)(1)D of division (b) this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a ~~misdemeanor~~ felony of the ~~third~~ fifth degree.

B If the offender previously has been convicted of or pleaded guilty to a violation of division b of this section or any substantially equivalent state law or municipal ordinance, a sexually oriented offense, or a child-victim oriented offense, nonconsensual dissemination of private sexual images is a ~~misdemeanor~~ of the ~~second~~ fourth degree.

(2)A Except as otherwise provided in division (h)(2)B of this section, whoever violates division (c) of this section is guilty of nonconsensual dissemination of fabricated sexual images, a felony of the fourth degree.

B If the offender ~~previously~~ previously has previously been convicted of or pleaded guilty to ~~two or more violations~~ a violation of this section or any substantially equivalent state law or municipal ordinance, a sexually oriented offense, or a child-victim oriented offense, nonconsensual dissemination of ~~private~~ fabricated sexual images is a ~~misdemeanor~~ felony of the ~~first~~ third degree.

(3)A Except as otherwise provided in division (h)(3)B of this section, whoever violates division (d) of this section is guilty of nonconsensual creation of fabricated sexual images, a felony of the fourth degree.

~~B If the offender is under 18 years of age and the person in the image is not more than five years older than the offender~~ has previously been convicted of or pleaded guilty to a violation of this section, a sexually oriented offense, or a child-victim oriented offense,
~~the offender shall not be prosecuted under this section~~ nonconsensual creation of fabricated sexual images is a felony of the third degree.

~~(24)~~ In addition to any other penalty or disposition authorized or required by law, the court may order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under Chapter 2981. of the Revised Code:

A. Any profits or proceeds and any property the person has acquired or maintained in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation;

B. Any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled, or conducted in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation.

~~(g)~~ A victim of a violation of this section may commence a civil cause of action against the offender, as described in R.C. § 2307.66.

State law reference—R.C. § 2917.211

CHAPTER 672. THEFT AND FRAUD*

672.01 Theft.

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;

(5) By intimidation.

(b) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is petty theft, a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate state law:

- (1) If the value of the property or services is \$1,000.00 or more;
- (2) If the property stolen is any of the property listed in R.C. § 2913.71;
- (3) If the victim of the offense is an elderly person, disabled adult, active duty service member, or spouse of an active duty service member;
- (4) If the property stolen is a firearm or dangerous ordnance;
- (5) If the property stolen is a motor vehicle;
- (6) If the property stolen is any dangerous drug, or if the offender previously has been convicted of a felony drug abuse offense;
- (7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog;
- (8) If the property stolen is anhydrous ammonia; or
- (9) If the property stolen is a special purchase article as defined in R.C. § 4737.04 or is a bulk merchandise container as defined in R.C. § 4737.012.

(10)A. If the property stolen is a catalytic converter, a violation of this section is theft of a catalytic converter, a felony of the fifth degree.

B. If the property stolen is a catalytic converter and the offender is a business entity, a violation of this section is enterprise theft of a catalytic converter and, pursuant to R.C. § 2929.31, is punishable by a fine of not more than seven thousand five hundred dollars per violation.

C. The clerk of the court shall pay any fine imposed pursuant to division (b)(10) of this section to the county, township, municipal corporation, park district as created pursuant to R.C. § 511.18 or 1545.04, or state law enforcement agencies in this state that primarily were responsible for, or involved in, arresting and prosecuting the offender.

D. As used in division (b)(10) of this section, "catalytic converter" has the same meaning as in R.C. § 4737.04.

(c) In addition to the penalties described in division (b) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one (1) of the following:

(1) Unless division (c)(2) of this section applies, suspend for not more than six (6) months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit or nonresident operating privilege;

(2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit or nonresident operating privilege has previously been suspended pursuant to division (c)(1) of this section, or any other substantially equivalent state or local law, impose a class seven suspension of the offender's license, permit or privilege from the range specified in R.C. § 4510.02(A)(7), provided that the suspension shall be at least six (6) months;

(3) The court, in lieu of suspending the offender's driver's or commercial driver's license, probationary driver's license, temporary instruction permit, or nonresident operating privilege pursuant to division (c)(1) or (c)(2) of this section, instead may require the offender to perform community service for a number of hours determined by the court.

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

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

State law references—Felony theft provisions, see R.C. § 2913.02(B); R.C. § 2913.02

672.02 Receiving stolen property.

(a)

As used in this section:

(1) "Bulk merchandise container" has the same meaning as in R.C. § 4737.012.

(2) "Catalytic converter" and "special purchase article" have the same meanings as in R.C. § 4737.04.

(3) "Dangerous drug" has the same meaning as in R.C. § 4729.01.

(4) "Dangerous ordnance" and "firearm" have the same meanings as in R.C. § 2923.11.

(5) "Motor vehicle" has the same meaning as in R.C. § 4501.01.

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

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

(ed) Whoever violates this section is guilty of receiving stolen property. Except as otherwise provided in this division, receiving stolen property is a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate state law:

- (1) The value of the property involved is \$1,000.00 or more;
- (2) The property involved is any of the property listed in R.C. § 2913.71;
- (3) The property involved is a firearm or dangerous ordnance, as defined in R.C. § 2923.11;
- (4) The property involved is a motor vehicle as defined in R.C. § 4501.01;
- (5) The property involved is any dangerous drug, as defined in R.C. § 4729.01; or
- (6) The property involved in violation of this section is a special purchase article as defined in R.C. § 4737.04 or a bulk merchandise container as defined in R.C. § 4737.012.

(e)(1) Except as otherwise provided in this division, if the property involved is a catalytic converter, a violation of this section is receiving a stolen catalytic converter, a felony of the fifth degree.

(2) If the property involved is a catalytic converter and the offender is a business entity, a violation of this section is enterprise receipt of a stolen catalytic converter and, pursuant to R.C. § 2929.31, is punishable by a fine of not more than seven thousand five hundred dollars per violation.

(3) The clerk of the court shall pay any fine imposed pursuant to division (e) of this section to the county, township, municipal corporation, park district, as created pursuant to R.C. § 511.18 or 1545.04, or state law enforcement agencies in this state that primarily were responsible for or involved in arresting and prosecuting the offender.

State law reference—R.C. § 2913.51

672.22 Medicaid fraud.

(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Provider means any person who has signed a provider agreement with the department of Medicaid to provide goods or services pursuant to the Medicaid program or any person who has signed an agreement with a party to such a provider agreement under which the person agrees to provide goods or services that are reimbursable under the Medicaid program.

Provider agreement has the same meaning as in R.C. § 5164.01.

Presumption that a prison term shall be imposed means a presumption, as described in R.C. § 2929.13(D), that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under R.C. § 2929.11.

Recipient means any individual who receives goods or services from a provider under the Medicaid program.

Records means any medical, professional, financial or business records relating to the treatment or care of any recipient, to goods or services provided to any recipient, or to rates paid for goods or services provided to any recipient, and any records that are required by the rules of the Medicaid director to be kept for the Medicaid program.

Statement or representation means any oral, written, electronic, electronic impulse or magnetic communication that is used to identify an item of goods or a service for which reimbursement may be made under the Medicaid program or that states income and expense and is or may be used to determine a rate of reimbursement under the Medicaid program.

(b) No person shall knowingly make or cause to be made a false or misleading statement or representation for use in obtaining reimbursement from the Medicaid program.

(c) No person, with purpose to commit fraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Contrary to the terms of the person's provider agreement, charge, solicit, accept or receive for goods or services that the person provides under the Medicaid program any property, money or other consideration in addition to the amount of reimbursement under the Medicaid program and the person's provider agreement for the goods or services and any cost-sharing expenses authorized by R.C. § 5162.20 or rules adopted by the Medicaid director regarding the Medicaid program.

(2) Solicit, offer or receive any remuneration, other than any cost-sharing expenses authorized by R.C. § 5162.20 or rules adopted by the Medicaid director regarding the Medicaid program, in

cash or in kind, including, but not limited to, a kickback or rebate, in connection with the furnishing of goods or services for which whole or partial reimbursement is or may be made under the Medicaid program.

(d) No person, having submitted a claim for or provided goods or services under the Medicaid program, shall do either of the following for a period of at least six (6) years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the Medicaid program:

(1) Knowingly alter, falsify, destroy, conceal or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person; or

(2) Knowingly alter, falsify, destroy, conceal or remove any records that are necessary to disclose fully all income and expenditures upon which rates of reimbursements were based for the person.

(e) Whoever violates this section is guilty of Medicaid fraud. Except as otherwise provided in this division, Medicaid fraud is a felony of the fifth degree and, notwithstanding R.C. § 2929.18, the court shall impose as the fine for the offense a fine of one thousand dollars.

~~(1) Whoever violates this section is guilty of Medicaid fraud. Except as otherwise provided in this division, Medicaid fraud is a misdemeanor of the first degree.~~ If the value of the property, services or funds obtained in violation of this section is \$1,000.00 or more, Medicaid fraud is a felony to be prosecuted under appropriate state law.

(2) If the value of property, services, or funds obtained in violation of this section is seven thousand five hundred dollars or more and is less than seventy-five thousand dollars, Medicaid fraud is a felony of the third degree and, notwithstanding R.C. § 2929.18, the court shall impose as the fine for the offense a fine of twenty-five thousand dollars.

(3) If the value of the property, services, or funds obtained in violation of this section is seventy-five thousand dollars or more and is less than one hundred fifty thousand dollars, Medicaid fraud is a felony of the third degree and there is a presumption for a prison term. Notwithstanding R.C. § 2929.18, the court shall impose as the fine for the offense a fine of seventy-five thousand dollars.

(4) If the value of the property, services, or funds obtained in violation of this section is one hundred fifty thousand dollars or more and is less than seven hundred fifty thousand dollars, Medicaid fraud is a felony of the second degree and there is a presumption of a prison term. Notwithstanding R.C. § 2929.18, the court shall impose as the fine for the offense a fine of one hundred fifty thousand dollars.

(5) If the value of the property or services stolen is seven hundred fifty thousand dollars or more, Medicaid fraud is a felony of the first degree and there is a presumption of a prison term. Notwithstanding R.C. § 2929.18, the court shall impose as the fine for the offense a fine of one hundred fifty thousand dollars.

(f) Upon application of the governmental agency, office or other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the Medicaid program to which the person is not entitled to pay to the applicant its cost of investigating and prosecuting the case. The costs of investigation and prosecution that a defendant is ordered to pay pursuant to this division shall be in addition to any other penalties for the receipt of that reimbursement that are provided in this section, R.C. § 2913.40 or 5164.35, or any other provision of law.

(g) The provisions of this section are not intended to be exclusive remedies and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this section.

(h) *Medicaid eligibility fraud.*

(1) No person shall knowingly do any of the following in an application for enrollment in the Medicaid program or in a document that requires a disclosure of assets for the purpose of determining eligibility for the Medicaid program:

A. Make or cause to be made a false or misleading statement;

B. Conceal an interest in property;

C. 1. Except as provided in division (h)(1) C.2. of this section, fail to disclose a transfer of property that occurred during the period beginning 36 months before submission of the application or document and ending on the date the application or document was submitted;

2. Fail to disclose a transfer of property that occurred during the period beginning 60 months before submission of the application or document and ending on the date the application or document was submitted and that was made to an irrevocable trust a portion of which is not distributable to the applicant for or recipient of Medicaid or to a revocable trust.

(2) A. Whoever violates this division (h) is guilty of Medicaid eligibility fraud. Except as otherwise provided in this division, a violation of this division (h) is a misdemeanor of the first degree. If the value of the Medicaid services paid as a result of the violation is \$1,000.00 or more, a violation of this division (h) is a felony to be prosecuted under appropriate state law.

B. In addition to imposing a sentence under division (h)(2)A. of this section, the court ~~shall~~may order that a person who is guilty of Medicaid eligibility fraud make restitution in the ~~full~~ amount of 200% of any Medicaid services paid on behalf of an applicant for or recipient of Medicaid for which the applicant or recipient was not eligible, plus interest at the rate applicable to judgments on unreimbursed amounts from the date on which the Medicaid services were paid to the date on which restitution is made.

C. The remedies and penalties provided in this division (h) are not exclusive and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this division (h).

(3) This division (h) does not apply to a person who fully disclosed in an application for Medicaid or in a document that requires a disclosure of assets for the purpose of determining eligibility for Medicaid all of the interests in property of the applicant for or recipient of Medicaid, all transfers of property by the applicant for or recipient of Medicaid, and the circumstances of all those transfers.

(4) Any amounts of Medicaid services recovered as restitution under this division (h) and any interest on those amounts shall be credited to the general revenue fund, and any applicable federal share shall be returned to the appropriate agency or department of the United States.

(5) For the purpose of this division (h), the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Medicaid services has the same meaning as in R.C. § 5164.01.

Property means any real or personal property or other asset in which a person has any legal title or interest.

State law reference—R.C. §§ 2913.40, 2913.401

CHAPTER 678. WEAPONS AND EXPLOSIVES*

678.14 Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.

(a) *Possession of a revoked or suspended concealed handgun license.*

(1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.

(2) Whoever violates this division (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.

(b) *Additional restrictions.* Pursuant to R.C. § 2923.126:

(1) A concealed handgun license that is issued under R.C. § 2923.125 shall expire five (5) years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of 30 days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under R.C. § 2923.125 or 2923.1213 may

carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after that change.

(2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under R.C. § 2923.12(B) or in any manner prohibited under R.C. § 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

A. A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to R.C. § 5119.14(A) or 5123.03(A)(1);

B. A school safety zone if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.122;

C. A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.123;

D. Any premises or open air arena for which a D permit has been issued under R.C. Ch. 4303, if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.121;

E. Any premises owned or leased by any public or private college, university or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

F. Any church, synagogue, mosque or other place of worship, unless the church, synagogue, mosque or other place of worship posts or permits otherwise;

G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (b)(2)C. of this section, unless the governing body with authority over the building has enacted a

statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;

H. A place in which federal law prohibits the carrying of handguns.

(3) A. Nothing in this division (b) shall negate or restrict a rule, policy or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this division (b) shall require a private employer of that nature to adopt a rule, policy or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

B. 1. A private employer shall be immune from liability in a civil action for any injury, death or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in R.C. Ch. 2744, for any injury, death or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in R.C. § 2744.01.

3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

4. A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit

corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation. The immunities described in this division apply to an entity that leases its property to the nonprofit corporation or permits its property to be used by the nonprofit corporation for any purpose.

C. 1. a. Except as provided in division (b)(3) C.2. of this section and R.C. § 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of R.C. § 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under R.C. § 2911.21 or under any other criminal law of this state or criminal law, ordinance, or resolution of a political subdivision of this state, and instead is subject only to a civil cause of action for trespass based on the violation.

b. If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of R.C. § 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.

2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008, enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.

3. As used in division (b)(3) C. of this section:

Residential premises has the same meaning as in R.C. § 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.

Landlord, tenant, and rental agreement have the same meanings as in R.C. § 5321.01.

(4) A person who holds a valid concealed handgun license issued by another state that is recognized by the attorney general pursuant to a reciprocity agreement entered into pursuant to R.C. § 109.69 or a person who holds a valid concealed handgun license under the circumstances described in R.C. § 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.

(5) A. A peace officer has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125, provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions as specified in this division (b).

C. A tactical medical professional who is qualified to carry firearms while on duty under R.C. § 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

D. A fire investigator who is qualified to carry firearms while on duty under R.C. § 109.774 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to division (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (b)(6) B. of this section and a valid firearms requalification certification issued pursuant to division (b)(6) C. of this section shall be considered to be a licensee in this state.

B. 1. Each public agency of this state or of a political subdivision of this state that is served by one (1) or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

2. A retired peace officer identification card issued to a person under division (b)(6) B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (b)(6)B.1. of this section may include the firearms requalification certification described in division (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (b)(6) B.1.a. to (b)(6) B.1. d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

3. A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (b)(6) B.1. of this section.

C. 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (b)(6) B.1.a. to (b)(6) B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in divisions (b)(6) B.1.a. to (b)(6) B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (b)(6) of this section for five (5) years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (b)(6) B.1.a. to (b)(6) B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five (5) years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (b)(6) B. of this section.

3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801 may be required to pay the cost of the program.

(7) For the purpose of division (b) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Fire investigator has the same meaning as R.C. § 109.71.

Governing body has the same meaning as in R.C. § 154.01.

Government facility of this state or a political subdivision of this state means any of the following:

A. A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the

political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

B. The office of a deputy registrar serving pursuant to R.C. Ch. 4503 that is used to perform deputy registrar functions.

Nonprofit corporation means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

Qualified retired peace officer means a person who satisfies all of the following:

A. The person satisfies the criteria set forth in divisions (b)(6) B.1. a. to (b)(6) B.1.d. of this section.

B. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

C. The person is not prohibited by federal law from receiving firearms.

Retired peace officer identification card means an identification card that is issued pursuant to division (b)(6) B. of this section to a person who is a retired peace officer.

Tactical medical professional has the same meaning as in R.C. § 109.71.

Validating identification means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.

(c) *Posting of signs prohibiting possession.* Each person, board, or entity that owns or controls any place or premises identified in R.C. § 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one (1) or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."

(Ord. No. 27-2024, § 1(Exh. A), 11-21-2024)

State law reference—R.C. §§ 2923.1211(B), (C), 2923.1212, 2923.126

CHAPTER 698. PENALTIES AND SENTENCING*

698.03 Imposing sentence for misdemeanor.

(a) (1) Unless a mandatory jail term is required to be imposed by R.C. § 1547.99(G), 4510.14(B) or 4511.19(G), or any other provision of the Revised Code, or any municipal ordinance, a court that imposes a sentence under this chapter upon an offender for a misdemeanor or minor misdemeanor has discretion to determine the most effective way to achieve the purposes and principles of sentencing set forth in section 698.02.

(2) Unless a specific sanction is required to be imposed or is precluded from being imposed by the section setting forth an offense or the penalty for an offense or by any provision of section 666.99 or 698.02 of this Code or R.C. § 2929.23 to 2929.28, a court that imposes a sentence upon an offender for a misdemeanor may impose on the offender any sanction or combination of sanctions under sections 698.02(b) to (f). The court shall not impose a sentence that imposes an unnecessary burden on local government resources.

(b) (1) In determining the appropriate sentence for a misdemeanor, the court shall consider all of the following factors:

A. The nature and circumstances of the offense or offenses;

B. Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender's character and condition reveal a substantial risk that the offender will commit another offense;

C. Whether the circumstances regarding the offender and the offense or offenses indicate that the offender's history, character and condition reveal a substantial risk that the offender will be a danger to others and that the offender's conduct has been characterized by a pattern of repetitive, compulsive or aggressive behavior with heedless indifference to the consequences;

D. Whether the victim's youth, age, disability or other factor made the victim particularly vulnerable to the offense or made the impact of the offense more serious;

E. Whether the offender is likely to commit future crimes in general, in addition to the circumstances described in divisions (b)(1) B. and (b)(1) C. of this section;

F. Whether the offender has an emotional, mental, or physical condition that is traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses;

G. The offender's military service record.

(2) In determining the appropriate sentence for a misdemeanor, if the offender enters an Alford plea, the sentencing court shall not consider whether the offender showed genuine remorse for the offense.

(3) In determining the appropriate sentence for a misdemeanor, in addition to complying with division (b)(1) of this section, the court may consider any other factors that are relevant to achieving the purposes and principles of sentencing set forth in section 698.02(a).

(c) Before imposing a jail term as a sentence for a misdemeanor, a court shall consider the appropriateness of imposing a community control sanction or a combination of community control sanctions under sections 698.02(c), (d), (e) and (f). A court may impose the longest jail term authorized under section 698.02(b) only upon offenders who commit the worst forms of the offense or upon offenders whose conduct and response to prior sanctions for prior offenses demonstrate that the imposition of the longest jail term is necessary to deter the offender from committing a future crime.

(d) (1) A sentencing court shall consider any relevant oral or written statement made by the victim, the defendant, the defense attorney or the prosecuting authority regarding sentencing for a misdemeanor. This division does not create any rights to notice other than those rights authorized by R.C. Ch. 2930.

(2) At the time of sentencing for a misdemeanor or as soon as possible after sentencing, the court shall notify the victim of the offense of the victim's right to file an application for an award of reparations pursuant to R.C. §§ 2743.51 to 2743.72.

State law reference—R.C. § 2929.22

ORDINANCE 2026-15

Item # 18.

AN ORDINANCE AUTHORIZING A ONE -TIME BONUS TO ALL VILLAGE EMPLOYEES IN RECOGNITION OF SERVICE

WHEREAS, the Council of the Village of Minerva Park wishes to recognize the efforts of the Village employees to keep Minerva Park a great place to live and play by authorizing an end of year bonus; and

WHEREAS, it is appropriate to recognize the continued dedicated service of the Village employees for 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT;

Section 1. It is in the Village's best interest to recognize the continued efforts of its employees during the 2026 calendar year and to enhance retention for future years.

Section 2. The Mayor and Fiscal Officer are hereby authorized to grant all current full-time and part-time employees a one-time bonus based on years of service completed with the Village as of December 2026, as follows:

Years of Service	Full-time Amount	Part-time Amount
4 through 8 years	\$850	\$425
9 through 12 years	1,100	550
13 through 16 years	1,350	675
17 through 20 years	1,600	800
20 or more years	1,850	925

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Tiffany Southard, Mayor

First Reading: September 24, 2026
Second Reading: October 8, 2026
Third Reading: October 22, 2026
Passed: October 22, 2026

ATTESTS

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

ORDINANCE 2026-17

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2026

WHEREAS, it is necessary to supplement the appropriations in Ordinance 2025-22 for the year ending December 31, 2026; and

WHEREAS, the appropriations herein are to be effective for the year ending December 31, 2026.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, OHIO THAT:

Section 1. The Annual Appropriations in Ordinance 2025-22 is supplemented as presented below:

	<u>Current Amount</u>	<u>Increase/ (Decrease)</u>	<u>Revised Amount</u>
<u>Street Construction Maintenance and Repair Fund (2011)</u>			
<u>Transportation</u>			
<u>Street Cleaning, Snow and Ice Removal (630)</u>			
Other Expenditures	\$20,000	\$1,800	\$21,800
<u>Compensated Absences Fund (2901)</u>			
<u>Security of Persons and Property</u>			
<u>Police Department (110)</u>			
Personal Services	0	12,000	12,000
<u>Storm Sewer Maintenance Fund (2907)</u>			
<u>Basic Utility Services</u>			
<u>Other Storm Sewer s and Drains (549)</u>			
Other Expenditures	76,000	25,000	101,000
<u>Sewer Maintenance Fund (2910)</u>			
<u>Basic Utility Services</u>			
<u>Other Sanitary Sewers and Sewage (549)</u>			
Other Expenditures	85,000	55,000	140,000
Total Increase		\$93,800	

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 3. This Ordinance shall be in full force and effect upon its passage.

Tiffany Southard, Mayor

First Reading: October 8, 2026
Second Reading: Waived
Third Reading: Waived
Passed: October 8, 2026

ATTEST

Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

Jesse Shamp, Solicitor

ORDINANCE 2026-18

Item # 23.

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE EMPLOYEE HANDBOOK AND DECLARING AN EMERGENCY

WHEREAS, the Village of Minerva Park adopted an updated Employee Handbook in Ordinance 36-2024; and

WHEREAS, certain sections need amended/revised in order to clarify and avoid issues with the implementation; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, OHIO, THAT:

Section 1. The Employee Handbook shall be amended/revised as stated in Exhibit A hereto attached and incorporated herein by reference, setting forth certain revised personnel policies and procedures for employees of the Village of Minerva Park, are hereby adopted.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 3. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 4. This Ordinance is hereby declared to be an emergency measure, to be effective immediately upon passage, such emergency being necessary for the preservation of the public health, safety, and welfare of the Village and its inhabitants, to wit: so that policies contained therein may be in effect upon adoption. Therefore, this Ordinance shall take effect and be in force from and immediately after its passage by the Council.

Tiffany Southard, Mayor

First Reading: October 8, 2026
Second Reading: October 22, 2026
Third Reading: Waived
Passed: October 22, 2026

ATTEST:

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

CHAPTER 5**EMPLOYEE BENEFITS**

employee's credit at the time of separation. Employees who are involuntarily terminated shall not be eligible for payment of unused accrued vacation leave.

- I. Employees who become ill during a scheduled vacation may not convert the vacation day to a sick day.
- J. Employees shall request vacation leave, in writing, on a "Request for Leave of Absence" form.
- K. Requests for leave of one or more weeks should be made at least two weeks in advance. Requests for leave of less than one week should be made with 12 hours notice. Vacation leave shall not be taken in increments of less than one-half hour.
- L. It is the responsibility of the employee to ensure that adequate leave hours exist to support the leave request. An insufficient leave balance for the request will result in disapproval or cancellation, and shall not be approved for leave without pay. Repeated occurrences of insufficient leave time for future requests are subject to disciplinary action.
- M. Vacation hours may be converted to a cash payment in January each year. The hours subject to conversion are the hours accrued for the pay periods ended from January through December of the prior calendar year. Payment requests are to be submitted in January with payment by the end of January at the rate of pay in effect for the last pay period of the prior calendar year. Vacation hours converted to cash are limited to 50 percent of the amount accrued during the prior calendar year. Vacation converted to cash will be deducted on a one for one basis from the employee's leave balance.

HOLIDAYS**SECTION 5.04**

- A. Holidays Observed: All full-time employees shall receive 8 hours of holiday pay at his or her regular pay rate. All part-time employees shall receive holiday pay at his or her regular pay rate. Number of hours paid to part-time employees are based on his or her regular work schedule on the holiday, but shall not exceed 6 hours. ~~Employees in a seasonal or unpaid status are not eligible for holiday pay. Employees in an unpaid status are not eligible for holiday pay.~~ The holidays observed are:

New Year's Day	Martin Luther King Day
Presidents Day	Memorial Day
Juneteenth	Independence Day
Labor Day	Veterans Day
Thanksgiving Day	Day after Thanksgiving Day
Christmas Day	

- B. Date of Observance: If a holiday falls on a Saturday or Sunday, the holiday will be observed the Friday before or the Monday after.
- C. Work on a Holiday: Most employees will normally not be scheduled to work on the day observed as a holiday. Any eligible employee that is required to work on a day observed

Commented [LF5]: PROPOSED REVISION: All full-time employees shall receive holiday pay based on their regular work schedule on the holiday. All part-time employees shall receive holiday pay based on their regular work schedule on the holiday, but shall not exceed 6 hours. Holiday pay for both full-time and part-time employees shall be paid at their regular rate of pay.
PURPOSE: Officers now work 10-hour shifts but only receive 8 hours of regular holiday pay. This leaves them short on regular hours needed for full pension credit.

Commented [LF6]: Repetative

RESOLUTION NO. 2026-19**A RESOLUTION ACCEPTING, APPROVING, AND RATIFYING THE SUBMITTED
RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCILS, AND
DECLARING AN EMERGENCY**

WHEREAS, the Village of Minerva Park, Ohio has the statutory authority to create various zones that provide economic development incentives, which include Community Reinvestment Areas and Tax Increment Financing Districts; and

WHEREAS, upon their creation of such zones, the Village may consider entering into agreements with private sector entities engages in economic development, which divert or abate tax revenues as an incentive to encourage particular economic projects to occur; and

WHEREAS, in the creation of these zones, ORC 5709.85 provides that a Tax Incentive Review Council (TIRC) shall be as required to review these agreements between the Village and the private sector entities to establish compliance to the terms of the agreements, and

WHEREAS, each TIRC is mandated to review and make a formal recommendation as to the compliance of the terms of each agreement in its zone on an annual basis for the preceding year concluding on December 31st; and

WHEREAS, the recommendation of each TIRC is required to be acted on by Council

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK OF FRANKLIN COUNTY, OHIO

Section 1. That the Tax Incentive Review Council required to review agreements as of December 31, 2025 have done so and have forwarded their recommendations to Village Council.

Section 2. That Council hereby accepts, approves, and ratifies the TIRC's recommendations.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

Section 5. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety, and welfare, to wit: to submit the TIRC report in as timely a manner as possible as required by law.

First Reading: September 24, 2026

Second Reading: October 8, 2026

Third Reading: October 22, 2026

Passed: October 22, 2026

Tiffany Southard, Mayor

ATTEST

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor



Village of Minerva Park

2829 Minerva Lake Rd. Columbus, OH 43231

T: 614-882-5743

F: 614-882-0701

www.minervapark.gov

August 6, 2026

Tax Incentive Review Commission Meeting 1:30 PM

Introductions-Mayor

Meeting called to order

Approval of 2025 meeting minutes

TIF review

Tax Incentive Review Council Adjourn



Village of Minerva Park

2829 Minerva Lake Rd. Columbus, OH 43231

T: 614-882-5743

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www.minervapark.gov

TIF Report

Municipality MINERVA PARK CORP

Tax Year 2025

TIF Name MINERVA PARK RESIDENTIAL (2018-2047) TIF

Percent of TIF 100

TIF Ordinance 04-2016

Project Number 90-264

First Year 2018 **Last Year** 2047

Number of years total 30

Levy Sharing Y

Revenue Sharing Y

School or Non-School TIF Y

School District WESTERVILLE CSD

JVSD

Project History

No infrastructure improvements were made in 2024.

Fund Balance \$6,177

Balance Owed \$7,239,637

Funds Received this Year \$700,919

Funds Received Total \$3,086,351

Expenditures \$692,688

Expenditure Details

County auditor collection fees, revenue shared with county agencies, and debt service.

Executive Summary – Tax Incentive Review Council (TIRC) Meeting

Meeting Date: August 6, 2026 **Subject:** Tax Year 2025 TIRC Review

Attendance: The meeting was called to order by **Michael Stinziano, Franklin County Auditor**, who also confirmed that a quorum was present. Attendees identified themselves as follows:

Attendee	Representation
Michael Stinziano	Franklin County Auditor
Lois Carson	Appointee, Franklin County Board of Commissioners
Jeff Wilicheck	Finance Officer, Village of Minerva Park
Cathy Paessun	Council Member
Tiffany Southard	Mayor
Barbara Sutton	Resident Representative
Kari Doss	Westerville City Schools

Blendon Township was also acknowledged during roll call, although the transcript does not identify the individual representative by name.

Executive Summary

The Franklin County Tax Incentive Review Council (TIRC) convened on **August 6, 2026** to conduct its annual review of the **Tax Year 2025 residential Tax Increment Financing (TIF) program**. Following confirmation of a quorum, the Council completed its required organizational business, reviewed the status of the TIF, and voted unanimously to recommend its continuation.

Organizational Actions

The Council unanimously selected **Lois Carson** to serve as Vice Chair for the meeting in accordance with Ohio Revised Code requirements. Members also reviewed and unanimously approved the minutes from the August 18, 2025 TIRC meeting without modification.

Confidentiality Reminder

Prior to beginning the annual review, the Auditor reminded members of changes to **Ohio Revised Code Section 9.66**, which prohibit public discussion or dissemination of certain information submitted by tax incentive applicants, including:

- Tenant and occupancy information
- Job creation data
- Payroll information

Members were advised that any discussion of confidential information would require an executive session. No executive session was requested during the meeting.

TIF Financial Review

Staff presented the annual report for the residential TIF, highlighting the following financial information:

- **Tax Year 2024 (Collection Year 2025) revenues: \$747,522**
- **Total expenditures: \$695,412**
 - Including **\$490,000** in debt service
- **Fund balance: \$3,316**
- **Outstanding debt: \$7,022,549**

The report also noted:

- The TIF is a **30-year residential TIF** scheduled to expire in **2047**.
- Development within the district has been completed.
- No additional development activity is anticipated.

- Bond repayment continues, including repayment of advances originally made from the General Fund following an earlier property tax collection timing issue.

Council Action

Following discussion, staff recommended continuation of the TIF.

The Council unanimously:

- Accepted the annual report;
- Determined the TIF remains compliant; and
- Recommended continuation of the incentive program.

The motion was made by **Jeff Wilichekk** and seconded by **Kari Doss** before receiving unanimous approval.

Discussion of Revenue Trends

During other business, a concern was raised regarding fluctuations in TIF levy collections. Members discussed that:

- Levy collections had increased by approximately **\$37,000** in the previous year.
- Current-year projections appear lower.
- Continued fluctuations could affect the TIF's ability to generate sufficient revenue to meet future debt service obligations.

County staff acknowledged the concern, indicated that discussions with county personnel had already begun, and committed to working collaboratively to better understand the revenue trends and develop future forecasts.

Key Decisions

- Quorum confirmed.
- Lois Carson elected Vice Chair.
- 2025 meeting minutes approved.
- Annual TIF report accepted.
- Residential TIF found compliant.
- Continuation of the TIF unanimously recommended.
- County staff agreed to further analyze fluctuations in TIF levy revenues and their potential impact on debt service.

RESOLUTION 2026-21

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO VARIOUS RECURRING CONTRACTS NECESSARY FOR THE CONTINUOUS OPERATION OF THE VILLAGE

WHEREAS, the Village of Minerva Park annually enters into numerous contracts with various providers for services necessary for the continuous operations of the Village; and

WHEREAS, the Mayor has authority to sign and enter contracts with vendors for services provided the amount of the contract is under the bid limit or otherwise exempt and sufficient funds are appropriated; and

WHEREAS, the Village desires to enter contracts with the same agencies for continuing services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY OHIO, THAT:

Section 1. The Mayor and the Fiscal Officer are hereby authorized, to the extent necessary and within the funds appropriated, to enter contracts with the below vendors for 2027, in a form acceptable to the Village Solicitor:

Contractor/Vendor	Services
CH2M Hill/Jacobs Engineering	Village Engineer
FBT Gibbons	Solicitor Services
Visu-Sewer	Sewer CCTV Servies
TBD	Engineering Services
Anthem Blue Cross and Blue Shield	Major Medical and Dental Insurance

Section 2. To the extent certain vendors and their related agreements fall below the bid threshold and within the power of the Mayor to sign, Village Council acknowledges that those vendors and services are provided for informational purposes. However, at the discretion of the Mayor, certain contracts may be presented to Council for their approval.

Contractor/Vendor	Services
Amick Consulting	Grant Writing
Clemans, Nelson and Associates, Inc.	HR Consultants
Eric Nordman	Magistrate
Franklin County DUI Task Force	Target Law Enforcement
Franklin County Health Department	Mosquito Spraying
Franklin County Public Defenders	Public Defender
Franklin County Public Health	Plumbing Inspections
Franklin County Sheriff	Dispatch Services
Brad Alderman, dba/Groundmaster	Landscape, hardscape and tree services
Janitorial Services	Cleaning Services
Jotform	Permit forms
Jwayyed Jwayyed Law, LLC	Legal Services-Prosecutor

RESOLUTION 2026-21

Contractor/Vendor	Services
KGT	IT Services
Miller Landscaping	Landscaping Services
Municode/CivicPlus	website/codification
Paycor	Payroll
Resource International	Streets/Surveys
Stat Integrated Technologies, Inc (Aqua Doc)	Lake and Pond Maintenance
Zoning Guru	Code Enforcement

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Tiffany Southard, Mayor

First Reading: October 8, 2026
Second Reading October 22, 2026
Third Reading November 12, 2026
Passed: November 12, 2026

ATTEST

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

RESOLUTION 2026-22

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BLENDON TOWNSHIP TO PROVIDE SNOW REMOVAL SERVICES FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY

WHEREAS, Blendon Township historically provided snow removal and deicing services to the Village of Minerva Park; and

WHEREAS, the Village of Minerva Park, Franklin County, Ohio, does not possess the necessary equipment to remove snow and does not have access to salt to deice the streets; and

WHEREAS, the Village and the Township desire to enter an agreement for snow removal and deicing services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, OHIO, THAT:

Section 1. The Mayor is hereby directed and authorized to enter a contract each year with Blendon Township for snow removal and deicing services for the winter of 2026/2027 in the amount of \$21,800.

Section 2. The Mayor is hereby directed and authorized to arrange for snow and deicing services with Blendon Township so long as it is under the bid limit and within the amount annually appropriated for such services.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. This Resolution is hereby found to be an emergency necessary for the public welfare because Village Council and the Village administration must ensure that public roadways are plowed and salted for the general public health, safety, and welfare. It shall take effect and be in full force immediately upon passage.

Tiffany Southard, Mayor

First Reading: October 8, 2026
Second Reading: October 22, 2026
Third Reading: November 12, 2026
Passed: November 12, 2026

ATTEST

Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

Jesse Shamp, Solicitor

RESOLUTION 2026-23

Item # 27.

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES, CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Minerva Park, in accordance with the Chapter 5705, Revised Code, adopted a Tax Budget for the year commencing January 1, 2027; and,

WHEREAS, the Budget Commission of Franklin County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part is within, the ten-mill tax limitation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, OHIO, THAT:

Section 1. The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

Section 2. There be and is hereby levied on the tax duplicate of the Village of Minerva Park, the rate of each tax necessary to be levied within and without the ten-mill limitation for tax year 2026 (collection year 2027) as follows:

Fund	Amount to be Derived from Levies Outside the 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mil Limitation	Estimate of Full Tax Rate to be Levied	
			Inside	Outside
			10 Mill Limit	10 Mill Limit
General Fund	\$297,198.66	\$63,507.58	1.00	12.20

Section 3. The Fiscal Officer is hereby directed to certify a copy of this resolution to the Franklin County Auditor.

Section 4. Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the need to submit a certified copy of this Resolution to the Franklin County Auditor by or before the due date of October 31, 2026. Wherefore, this Resolution shall take effect and shall be in force immediately upon passage by Council.

Tiffany Southard, Mayor

First Reading: October 8, 2026
Second Reading: October 22, 2026
Third Reading: Waived
Passed: October 22, 2026

ATTEST

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

I, Jeffrey Wilcheck, Fiscal Officer of the Village of Minerva Park within and for said County, and in whose custody the files and records of said Council are required by the laws of the State of Ohio to be kept do hereby certify that the foregoing has been taken and copied from the original Resolution 2026-23 now on file, that the foregoing has been compared by me with said original document and that the same is a true and correct copy thereof.

WITNESS my signature, this 22nd day of October, 2026.

Fiscal Officer
Minerva Park, Franklin County, Ohio