

ORDINANCE NO.	<u>2022- 93</u>	FIRST READING	<u>November 14, 2022</u>
		SECOND READING	<u>Waived</u>
INTRODUCED BY:	<u>RUTH CAVANAUGH</u>	THIRD READING	<u>Waived</u>

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE SOUTH RUSSELL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the American Legal Publishing to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of South Russell, Geauga, County, Ohio that:

SECTION 1: That the ordinances of the Village of South Russell, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 2: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 3: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code

  
 Mayor-President of Council

ATTEST:

  
 Fiscal Officer

I certify that Ordinance No. 2022 - 93 was duly enacted on the 14th day of November, 2022, by the Council of the Village of South Russell, and published in accordance with the Codified Ordinances of the Village.

Danuel Romanowski  
Fiscal Officer

INSTRUCTIONS FOR INSERTING  
2022 REPLACEMENT PAGES  
FOR THE CODIFIED ORDINANCES OF SOUTH RUSSELL, OHIO

All new replacement pages bear the footnote "2022 Replacement." Please discard old pages and insert these new replacement pages as directed in the following table.

Discard Old Pages

Insert New Pages

PRECEDING PRELIMINARY UNIT

Cover and Certification Page  
3, 4

Cover and Certification Page  
3, 4

PRELIMINARY UNIT

15 through 20  
29 through 32B  
42A, 42B  
47, 48

15 through 20B  
29 through 32B  
42A, 42B  
47, 48

ADMINISTRATION CODE

Table of Contents  
9 through 14C  
16A, 16B  
20A, 20B  
34E, 34F  
37, 38  
45, 46  
49

Table of Contents, 2  
9 through 14D  
16A, 16B  
20A, 20B  
34E, 34F  
37, 38  
45, 46  
49, 50

TRAFFIC CODE

20A, 20B  
107, 108  
111 through 116

20A through 20B-2  
107, 108  
111 through 116D

GENERAL OFFENSES CODE

24C, 24D  
24G, 24H  
30A through 30H-2  
30S, 30T

24C, 24D  
24G, 24H  
30A through 30H-2  
30S through 30V

Discard Old Pages

Insert New Pages

GENERAL OFFENSES CODE (Cont.)

67 through 70  
81 through 86D  
88E through 88H

67 through 70  
81 through 86J  
88E through 88J

PLANNING AND ZONING CODE

7, 8  
23 through 34  
141, 142

7, 8  
23 through 34  
141, 142

BUILDING AND HOUSING CODE



12C through 12F

12C through 12F


FIRE PREVENTION CODE

9 through 14

9 through 14B



# **CODIFIED ORDINANCES OF SOUTH RUSSELL OHIO**



Local legislation current through August 8, 2022  
State legislation current through June 28, 2022

CERTIFICATION

We, William Koons, Mayor, and Danielle Romanowski, Fiscal Officer of the Village of South Russell, Ohio, pursuant to Ohio R.C. 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of South Russell, Ohio, as revised, rearranged, compiled, renumbered as to sections, recodified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of the Village of South Russell, Ohio, 1974, complete to August 8, 2022.

/s/ William Koons  
Mayor

/s/ Danielle Romanowski  
Fiscal Officer

# VILLAGE OF SOUTH RUSSELL

## DIRECTORY OF OFFICIALS

(2022)

### COUNCIL

Christopher Berger  
Gerald Canton  
Ruth Cavanagh  
Mark Porter  
Dennis Galicki  
Christopher Bell

### OFFICIALS

William Koons  
Danielle Romanowski  
Vacant  
Bridey Matheney

Eric Haibach  
Michael Rizzo  
Sean Davis  
Timothy Alder  
Daniel D'Agostino

Mayor  
Fiscal Officer  
Fiscal Auditor  
Solicitor/Thrasher, Dinsmore  
& Dolan  
Engineer/CT Consultants, Inc.  
Police Chief  
Chief Fire Prevention Officer  
Street Commissioner  
Zoning Inspector

### PLANNING COMMISSION

Steve Latkovic, Chairman  
Elisa Budoff  
James Flaiz  
Mark Porter  
Williams Koons, Mayor

### ZONING BOARD OF APPEALS

Andrew Hitchcock, Chairman  
Martin O'Toole  
John Buda  
Michael Mulloy  
Cindy Matejcik

### ARCHITECTURAL BOARD OF REVIEW

Gary Neola, Chairman  
Denis Marino  
Ryan Parsons

THE WALTER H. DRANE COMPANY  
expresses its appreciation  
to

and all other officers and employees  
who assisted in the preparation of these  
Codified Ordinances and  
current Replacement Pages.



<b>DEXTROMETHORPHAN</b>		<b>DRIVEWAY</b>	
sale of	620.15	aprons	1482.01
<b>DISABLED SPECIAL ASSISTANCE</b>		culvert	
<b>OFFICE</b>		grading	1010.08
established	254.02	obstructions	1010.09
<b>DISEASE</b>	660.02	parking in front of	452.03
<b>DISORDERLY CONDUCT</b>		right or way at	432.20
detention of offenders	606.24	<b>DRIVING (see also DWI; RECKLESS</b>	
prohibited	648.04	<b>OPERATIONS; SPEED;</b>	
<b>DISTURBING THE PEACE</b>	Ch. 648	<b>VEHICULAR HOMICIDE)</b>	
<b>DITCH</b>		approaching stationary public safety,	
obstruction	1010.06	emergency, road	
<b>DOGS (see ANIMALS)</b>		service vehicle	434.031
<b>DOMESTIC VIOLENCE</b>	636.14	assured clear distance	434.03
<b>DOORS, OPENING</b>	452.07	cell phone use prohibited	436.032
<b>DRAW RACING</b>	434.07	certificate of title required	436.08
<b>DRAINAGE</b>		closed road, on	432.26, 432.44
lots	1466.10	construction zone, vehicular	
<b>DRIVER'S LICENSE</b>		assault	636.021
allowing another to drive	436.01, 436.05	control of vehicle	434.09
all purpose vehicle		divided roadway	432.29
operator	476.05	earphones prohibited	432.35
display	436.06	drag racing	434.07
lending	436.04	drunk or drugged	434.01
misrepresentation	436.04	electronic wireless communication	
motorcycle, off-highway	476.05	device use prohibited	
Ohio license required for		while driving	436.032
in state residents	436.021	emergency or public safety	
permitting operation without	436.02	vehicles	432.25
possession of more than one	436.02	following and parking	
probationary; curfew	436.031	near	432.25
required	436.01	stop signals or signs,	
snowmobile operator	476.05	effect	432.18
suspended or revoked	436.07, 436.074	fire hose, over	432.26
temporary	436.03	following too closely	432.09
		hazardous or no passing zones	432.07
		immobilization order	434.10
		lanes	432.08
		one-way streets	432.28
		operate defined	402.201
		operation at stop signs	432.17
		OVI suspension, under	436.071
		passing	
		left of centerline	
		permitted	432.05
		prohibited	432.06

**DRIVING (Cont.)**

passing (Cont.)	
left; driver's duties	432.03
no passing zone	432.07
right or left	432.04
traffic in opposite directions	432.02
periods of thaw or excessive moisture during	440.01(d)
public safety vehicles right of way	416.08, 432.19
reckless	434.02
right of way	
intersections	432.15
left turns	432.16
private drive, alley, building	432.20
through streets	432.17
right side of roadway; exceptions	432.01
rotary traffic islands	432.28
safety zone	432.27
signals	
hand and arm	432.14
required	432.13
speed	
bridges, on	434.05
emergency and public safety vehicles	434.06
maximum	434.03
minimum	434.04
starting, backing vehicle	432.12
stopping for school bus	432.30
stopping vehicle	434.04
stop sign (see TRAFFIC CONTROL DEVICE)	
street closed for repair	432.24
suspended license	436.074
texting prohibited	434.11
traffic signal indications	414.03
turning at intersections	432.10
unobstructed view	432.23
unsafe vehicle	438.01
"U" turns	432.11
vehicular homicide	434.08
water covered street, on	432.44
wrongful entrustment of a motor vehicle	436.05

**DRUGGED DRIVING 434.01****DRUGS**

abuse	620.03, 620.05
counterfeit controlled substance	620.13
dangerous, obtaining	620.06
definitions	620.01
dextromethorphan, sale of	620.15
driving under influence	434.01
drug paraphernalia	620.12, 620.121
harmful intoxicants	
possession or use	620.07
trafficking in	620.11
hypodermic, possession and dispensing	620.04, 620.10
instruments, possession	620.04
labels, prescription	620.09
marihuana	
gift	620.02
illegal cultivation	620.06
paraphernalia	620.121
possession or use	620.03
samples; illegal dispensing	620.08
steroids	620.03

**DWELLING CODE (see ONE AND TWO FAMILY DWELLING CODE)****DWI 434.01****EARNED INCOME TAX Ch. 880****E CIGARETTES 636.16****ELECTRICAL CODE Ch. 1404****ELECTRICIAN**

licensing	1446.04
lighting fixtures; insulating	1470.03
outlets, fixtures; installation	1440.07
residential wiring material	1404.04
wiring; use of metal raceways	1404.05

**ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE 416.12**

# **ELECTRONIC WIRELESS COMMUNICATION DEVICE**

texting while driving prohibited 434.11  
use prohibited while driving 436.032

# **EMERGENCY**

misconduct at 648.07  
snow 452.08

# **EMERGENCY MEDICAL SERVICES**

rates 236.06

# **EMERGENCY VEHICLE (see also PUBLIC SAFETY VEHICLE)**

approaching when stationary 434.031  
exceptions 404.11  
following, parking near 432.25  
speed exceptions 434.06  
stop signs, effect 432.18

# **EMPLOYEES, MUNICIPAL**

benefits, application 252.07  
classification 252.08  
defined 252.07  
discharge procedure 252.06  
expenditures for food and  
    drink 252.15  
health insurance 252.10  
holidays  
    accumulated time 252.05  
    municipal; paid 252.02  
    pay 252.04  
    nonsalary remuneration 252.12  
Ohio National Guard duty 252.09  
sexual harassment 252.13  
sick leave  
    accumulated time 252.05  
    determination 252.03  
    pay 252.04  
strikes prohibited 252.11  
vacation  
    accumulated time 252.05  
    pay 252.04  
    schedule 252.01

# **ENDANGERING 642.10**

# **ENFORCEMENT (see under individual subject)**

# **ENGINEER, MUNICIPAL Ch. 246**

# **ENGINEERING CODE Ch. 1020**

# **ENGINE RETARDERS 440.08**

# **ENTRY, RIGHT OF Building Inspector 1444.15**

# **EQUIPMENT (see VEHICLE EQUIPMENT)**

# **EROSION AND SEDIMENT CONTROL**

abbreviated stormwater pollution  
    prevention plan 1466.08  
appeals 1466.10  
definitions 1466.04  
deposit 1466.12  
disclaimer 1466.02  
fees 1466.05(e)  
final plot plan 1466.09  
foundation check 1466.15  
maps and plans 1466.05  
nuisances 1466.03  
penalty 1466.99  
plot plan required 1466.09  
purpose 1466.01  
stop work orders 1466.14  
SWP3 requirements and  
    performance standards 1466.07  
temporary occupancy permits 1466.13

# **ETHNIC INTIMIDATION 642.26**

# **EXCAVATIONS**

generally Ch. 1014  
registration 1446.05

# **EXPENDITURES**

by department heads without  
    purchase orders 230.04

# **EXPLOSIVES (see also WEAPONS AND EXPLOSIVES)**

blasting regulations 672.16  
defined 402.13  
storage limits 1602.04  
transporting 440.04, 1602.07

<b>EXTERIOR SIDING</b>		<b>FIRE HOSE</b>	
registration	1446.05	driving over	432.26
<b>FALSE ALARM</b>	648.08, 648.09	<b>FIRE INSPECTION BUREAU</b>	240.01
<b>FALSE INFORMATION</b>		<b>FIRE LANES</b>	1602.08
to police	404.10	<b>FIRE LIMITS</b>	
<b>FALSIFICATION</b>	606.10	construction material	1472.02
<b>FAMILY, ABUSE OF</b>	636.14	established	1472.01
<b>FEES</b>		penalty	1472.99
air conditioning, ventilation		smoke detectors	1472.03
installation	1440.11	<b>FIRE PREVENTION APPLICATION</b>	
appeal, professional	260.05	<b>PERMITS</b>	1628.01
Building Code appeal	1448.06	<b>FIRES (see also ARSON)</b>	
building permits	1440.05 et seq.	setting	1602.07
charitable solicitations license	830.06	unfriendly; discovery	1602.08
electrical installation	1440.07	<b>FIRE SAFETY INSPECTOR</b>	1602.04
erosion and sediment control	1466.05(e)	<b>FIREWORKS (see also WEAPONS AND</b>	
gas piping installation	1440.10	<b>EXPLOSIVES)</b>	
heating installation	1440.09	application	1614.05
internet sweepstakes café	870.13	definitions	1614.01
peddler, solicitor license	830.06	discharge	1614.04
plumbing installation	1440.08	penalty	1614.99
stormwater management	1486.12	possession	1614.04
subdivision, minor	260.04	public exhibition permit	1614.02
video service providers	860.01	sale of	1614.04
Zoning Inspector's	1466.09	unlawful conduct	1614.03
<b>FENCES</b>		<b>FLAMMABLE LIQUIDS</b>	1602.05
electrical	660.18	<b>FLASHING SIGNALS (see also</b>	
swimming pool	1464.02	<b>TRAFFIC CONTROL</b>	
<b>FIREARMS (see also WEAPONS AND</b>		<b>DEVICE)</b>	414.06
EXPLOSIVES)		<b>FLEEING</b>	404.01
warning signs	612.07	<b>FLOOD CONTROL</b>	
<b>FIRE CODE</b>	Ch. 1602	administration	1468.03
<b>FIRE DEPARTMENT</b>		appeals	1468.05
Chief Fire Prevention Officer	240.02	definitions	1468.02
fee schedule	240.03	enforcement	1468.06
Fire Inspection Bureau	240.01	purpose	1468.02
<b>FIRE EQUIPMENT</b>		standards	1468.04
sale and use of	1602.10	variances	1468.05

<b>FOOD, PLACING HARMFUL SUBSTANCE IN</b>	636.13	<b>GRADE CROSSINGS</b>	
		obstructing	432.31
		pedestrians	416.07
<b>FOUNDATION</b>		<b>GRADING</b>	
elevation check	1466.11	driveway culverts	1010.07
<b>FRAUD</b>		<b>GUNS (see WEAPONS AND EXPLOSIVES)</b>	
bad check	642.14	<b>HALLOWEEN</b>	636.13
cheating	624.05	<b>HALLUCINOGEN (see DRUGS)</b>	
credit card	642.15	<b>HAND AND ARM SIGNALS</b>	432.14
creditor	642.21	<b>HANDICAPPED PERSONS</b>	254.01, 416.12, 452.04, 618.12
deception to obtain		<b>HAZARDOUS AREAS</b>	432.07
dangerous drugs	620.06	<b>HEATING</b>	
matter harmful to juveniles	666.12	apparatus; inspection	1444.11
generally	Ch. 642	gas heaters	660.01
identity fraud	642.29	installation fee	1440.09
income tax	881.15	installers, registration	1446.05
insurance	642.27	license	1446.04
securing writings by deception	642.19	<b>HIGHWAY (see STREET)</b>	
<b>FREEWAY (see under STREET)</b>		<b>HITCHHIKING</b>	416.06
<b>FUNDS</b>	236.03	<b>HIT SKIP (see ACCIDENT)</b>	
Village		<b>HOME SALES</b>	850.01
investment of	Ch. 235	<b>HOMICIDE</b>	
<b>FUNERAL PROCESSION</b>	432.21, 432.22	negligent	636.01
<b>GAMBLING</b>	Ch. 624	vehicular	636.02
<b>GARAGE SALES</b>	850.01	<b>HORNS</b>	438.19
<b>GARBAGE AND REFUSE</b>	660.04, 660.15 et seq., Ch. 1050	<b>HORSES (see ANIMALS)</b>	
<b>GAS</b>	Ch. 1032	<b>HOTELS</b>	
<b>GAS INSPECTOR</b>	1032.03	disturbing sounds and	
<b>GAS PIPING</b>		intoxication	648.11
installation fees	1440.10		
license	1446.04		
<b>GEAUGA COUNTY SANITARY ENGINEERING CODE</b>	Ch. 1020		
<b>GLUE SNIFFING</b>	620.07, 660.08		

<b>HUNTING</b>	618.15	<b>INCOME TAX EFFECTIVE</b>	
<b>HYPODERMICS (see DRUGS)</b>		<b>JANUARY 1, 2016 (Cont.)</b>	
<b>IDENTIFICATION CARD</b>		Board of Tax Review	881.18
forgery of	642.28	collection at source	881.05
<b>ILLICIT DISCHARGE AND ILLEGAL</b>		confidentiality	881.14
<b>CONNECTION CONTROL</b>		credit	881.08
administration	1068.06	definitions	881.03
applicability	1068.02	effective date	881.02
conflicts	1068.05	estimated tax; declaration of	881.07
definitions	1068.03	fees and charges	881.10
disclaimer	1068.04	fraud	881.15
enforcement	1068.09	income subject to tax	
monitoring	1068.08	individuals	881.04
nuisances	1068.05	net profit	881.06
prohibitions	1068.07	penalty and interest	881.10
purpose	1068.01	rounding	881.12
remedies	1068.10	rules	881.20
severability	1068.05	statute of limitations	881.19
scope	1068.01	Tax Administrator	881.13, 881.16
<b>IMMOBILIZATION ORDER</b>	434.10	violations; penalty	881.99
<b>IMPERSONATION</b>		<b>INCOME TAX ELECTION</b>	
identity fraud	642.29	<b>EFFECTIVE JANUARY 31, 2018</b>	
law enforcement officer, to		amended returns	882.13
defraud	642.20	annual return, filing	882.05
public servant	606.26	apportionment	882.03
<b>IMPORTUNING</b>	666.05	assessments	882.11
<b>IMPOSITION</b>	666.04	confidentiality	882.04
<b>IMPOUNDING</b>		consolidated returns	882.07
bicycles	474.10	credits	882.15
motor vehicles	404.06, 452.02	definitions	882.02
<b>IMPROVEMENTS</b>		electronic filing	882.06
land	1466.01 et seq.	estimated taxes	882.09
<b>INCOME TAX EFFECTIVE</b>		failure to pay	882.08
<b>JANUARY 1, 2016</b>		net profit taxes; filing	882.01
annual return	881.09	penalties	882.10
assessment	881.17	records	882.14
audit	881.11	refunds	882.12
authority to levy	881.01	remittance	882.05
		taxable situs	882.03
		violations	882.16
		<b>INDECENCY, PUBLIC</b>	666.07
		<b>INDUCING PANIC</b>	648.08
		<b>INDUSTRIAL HOMES</b>	Ch. 1460

**INJURY**

failure to report 606.12

**INSPECTIONS**

building 1442.01, 1460.01, 1460.02

fire 1602.09

plumbing 1442.02

right of entry 1144.11, et seq.

**INSULATION**

construction types 1470.01

lighting fixtures, covering 1470.03

sample 1470.02

**INTERNET SWEEPSTAKES CAFÉ**

definitions 870.03

equal opportunity 870.14

license

denial 870.10

expiration 870.12

generally 870.08

fees 870.13





<b>TAX, EARNED INCOME</b>	Ch. 880	<b>TRAFFIC CONTROL (Cont.)</b>	
<b>TELEPHONES</b>		powers	
harassment	636.10	Chief of Police	406.03, 406.05
<b>TEMPORARY INSTRUCTION PERMITS</b>	436.03	Council	406.09
<b>TEMPORARY PROTECTION ORDER</b>	636.15	records	406.06
<b>TENANT INFORMATION</b>	236.02	violations	406.08
<b>TEXTING</b>		work sites, at	412.06
prohibited while driving	434.11	<b>TRAFFIC CONTROL DEVICE</b>	
<b>THEFT</b>		advertising on	414.07
criminal tools	642.25	alteration, injury, removal	414.08
detention of thieves	606.24	ambiguous	414.10
generally	642.02, 642.03	conformity to State Manual	406.02
motor vehicle offenses	Ch. 444	control of lane direction	
<b>THROUGH STREET (see also STREET)</b>		of travel	414.04
defined	402.44	flashing signals	414.06
designation by signs	414.02	highway traffic signal	402.162
right of way	432.17	obedience	414.01
<b>TIRES</b>	440.07	pedestrian signals	414.05
<b>TOBACCO</b>		placement	406.01, 406.03
minor, illegal distribution	636.16	portable signal preemption	
restrictions in public buildings, vehicles	660.21	devices prohibited	414.12
<b>TOWING</b>	440.05	posting required	406.04
<b>TOY VEHICLES</b>		purchase, possession or sale of	414.11
attaching to vehicle	474.03	signal terms and lights	414.03
roadway, on	412.04	stop and yield signs	414.02
<b>TRACKING MUD</b>	440.06	unauthorized, hiding from view	414.07
<b>TRAFFIC CODE</b>		unfolded stop signs	414.13
definitions	Ch. 402	<b>TRAFFIC CONTROL MAP</b>	406.09
general penalty	408.02	<b>TRAILERS</b>	440.08
<b>TRAFFIC CONTROL</b>		<b>TREASURY INVESTMENT BOARD</b>	236.04
authority and considerations	406.01	<b>TREES (see also WEEDS)</b>	
device (see TRAFFIC CONTROL DEVICE)		injury	642.06
		<b>TRESPASS</b>	
		land or premises	642.12
		stalking, by	642.121
		vehicle	642.04
		voyeurism	666.06
		<b>TRICK OR TREAT</b>	636.13
		<b>TRUCKS (see COMMERCIAL AND HEAVY VEHICLE)</b>	

<b>TURNING</b>		<b>VEHICLE LIGHTS (Cont.)</b>	
generally	432.10 et seq.	cowl	438.12
right on red	414.09	electric personal assistive mobility device	416.12(b)
<b>“U” TURN</b>	432.11	fender	438.12
<b>UNATTENDED VEHICLES</b>	452.06	headlight beams use	438.14
		headlights	
		focus and aim	438.17
		required	438.03
<b>UTILITIES (see also individual subject     involved)</b>		illumination of rear	
		license plate	438.04
<b>VAGRANTS</b>	648.10	lighted; required	438.02
		number permitted	438.16
<b>VANDALISM (see PROPERTY     DESTRUCTION)</b>		obscured on vehicles in	
		combination	438.07
<b>VARIANCE</b>		parked, stopped vehicles	438.09
Building Code	448.07	rear red reflectors	438.05
septic tank		red and flashing	438.16
requirements	1024.06(b)	safety, commercial vehicles	438.06
		slow-moving vehicle	
<b>VEHICLES (see MOTOR VEHICLES)</b>		intensity	438.15
		requirements; emblem	438.10
<b>VEHICLE EQUIPMENT</b>		spotlight	438.11
bicycles	474.05	stop lights	438.24
brakes	438.18	tail light	438.04
bumpers	438.25	two displayed	438.13
directional signals	438.30	<b>VEHICULAR HOMICIDE</b>	434.08
exceptions to Traffic Code	404.03		
excessive noise	438.20	<b>VENDING MACHINES</b>	
horn, siren, theft alarm	438.19	cigarettes, tobacco or alternate	
lights (see VEHICLE LIGHTS)		nicotine products	636.16
loads (see LOADS, VEHICLE)			
motorcycles	Ch. 438, 474.02	<b>VENDORS (see PEDDLERS, VENDORS,     CANVASSERS AND     CHARITABLE SOLICITATIONS)</b>	
muffler	438.20		
rear-view mirror	438.21	<b>VENTILATION</b>	
red light or flag on load	438.08	heaters and burners	660.01
seat belts	438.28	installer, registration	1446.05
snowmobiles and all purpose		installation fee	1440.11
vehicles	476.02	license	1446.04
suncreening materials	438.29		
unsafe vehicles	438.01	<b>VIDEO SERVICE PROVIDERS</b>	860.01
windshield	438.22		
<b>VEHICLE LIGHTS</b>		<b>VILLAGE ENGINEER (see ENGINEER,     MUNICIPAL)</b>	
auxiliary	438.11		
back-up	438.12		

<b>VILLAGE FUNDS</b>			<b>WELLS</b>	
investment of	Ch. 235		water	
<b>VILLAGE HALL</b> (see MUNICIPAL BUILDING)			drilling	
<b>VILLAGE SECRETARY</b>	Ch. 231		permit	1030.01
<b>VIOLENCE, INCITING</b>	648.011		registration	1446.05
<b>VOYEURISM</b>	666.06		report	1030.03
<b>WAIVER</b>			health standards	1030.02
parking violations	452.09		operation	1030.04
<b>WARNING LIGHTS</b> (see also TRAFFIC CONTROL DEVICES; VEHICLE EQUIPMENT) 1014.02 et seq.			permit denied	1030.06
<b>WARRANT</b>			permit fee	1030.07
arrest without	606.24		supply approved	1030.05
<b>WATER</b>			<b>WHEELCHAIR, MOTORIZED</b>	
central supply system			defined	402.54
adequate supply	1028.05		electric personal assistive	
contaminants	1028.04		mobility device	416.12
outside municipality	1028.08		operation	416.11
penalty	1028.99		<b>WIRELESS SUPPORT STRUCTURES</b>	1012.01 et seq.
pollution, remedies	669.19			
regulations	1028.02, 1028.09		<b>WIRING</b> (see ELECTRICITY)	
reports	1028.07		<b>WORK SITES</b>	
study required	1028.01		traffic control at	412.06
testing	1028.03, 1028.10		<b>WRESTLING MATCH</b>	660.03
unsafe supply	1028.06		<b>WRITINGS</b>	642.19
drainage, erosion control	1446.10		<b>YARD SALES</b>	850.01
sprinkling bans	660.20		<b>YIELD SIGNS</b> (see TRAFFIC CONTROL DEVICE)	
wells (see WELLS)			<b>ZONES OF QUIET</b>	412.02
<b>WATERCOURSES</b>	660.04		<b>ZONING APPEALS, BOARD OF</b>	Ch. 262
<b>WEAPONS AND EXPLOSIVES</b> (see also EXPLOSIVES)	Ch. 672		<b>ZONING CODE</b>	1220.01
<b>WEEDS</b>	Ch. 678		administration	
<b>WEIGHT LIMITS</b>	440.01		amendments	Ch. 1220, App. A, 3.06
			appeals	Ch. 1220, App. A, 3.07

**ZONING CODE (Cont.)**

conditional use permits	Ch. 1220, App. A, 3.05
development approval	Ch. 1220, App. A, 3.04
Director of Transportation Review	Ch. 1220, App. A, 3.03
fees	Ch. 1220, App. A, 3.10
intent	Ch. 1220, App. A, 3.00
penalties	Ch. 1220, App. A, 3.09
violations	Ch. 1220, App. A, 3.08
zoning permits	Ch. 1220, App. A, 3.01
business districts	
area, yard and height regulations	Ch. 1220, App. A, 5.02
development regulations	Ch. 1220, App. A, 5.03
intent	Ch. 1220, App. A, 5.00
parking regulations	Ch. 1220, App. A, 5.05
performance regulations	Ch. 1220, App. A, 5.04
sign regulations	Ch. 1220, App. A, 5.06
use regulations	Ch. 1220, App. A, 5.01
conditional use regulations	
general standards	Ch. 1220, App. A, 7.01

**ZONING CODE (Cont.)**

conditional use (Cont.)	
intent	Ch. 1220, App. A, 7.00
regulations	Ch. 1220, App. A, 7.02
definitions	Ch. 1220, App. A, Ch. 2
development regulations	
intent	Ch. 1220, App. A, 10.00
regulation	Ch. 1220, App. A, 10.02
regulations	Ch. 1220, App. A, 10.01
fees	Ch. 1220, App. A, Schedule 1
food truck regulations	
definitions	Ch. 1220, App. A, 13.01
exceptions	Ch. 1220, App. A, 13.05
general regulations	Ch. 1220, App. A, 13.02
intent	Ch. 1220, App. A, 13.00
specific regulations	Ch. 1220, App. A, 13.04
zoning districts	Ch. 1220, App. A, 13.03
general provisions	
annexed territory	Ch. 1220, App. A, 1.07
conflict	Ch. 1220, App. A, 1.09
district boundaries	Ch. 1220, App. A, 1.06

**ZONING CODE (Cont.)**

## general provisions (Cont.)

## districts

establishment  
ofCh. 1220,  
App. A, 1.03

## interpretation

Ch. 1220,  
App. A, 1.08

## objectives

Ch. 1220,  
App. A, 1.02

## purpose

Ch. 1220,  
App. A, 1.01

## regulations

establishment  
ofCh. 1220,  
App. A, 1.04

## separability

Ch. 1220,  
App. A, 1.10

## soil removal

Ch. 1220,  
App. A, 1.12

## temporary uses

Ch. 1220,  
App. A, 1.11

## title

Ch. 1220,  
App. A, 1.00

## zoning map

establishment  
ofCh. 1220,  
App. A, 1.05

## industrial districts

area, yard and  
height

## regulations

Ch. 1220,  
App. A, 6.02

## development

## regulations

Ch. 1220,  
App. A, 6.03

## intent

Ch. 1220,  
App. A, 6.00

## parking

## regulations

Ch. 1220,  
App. A, 6.05

## performance

## regulations

Ch. 1220,  
App. A, 6.04

## sign regulations

Ch. 1220,  
App. A, 6.06

## use regulations

Ch. 1220,  
App. A, 6.01**ZONING CODE (Cont.)**

## nonconforming use

## regulations

## intent

Ch. 1220,  
App. A, 12.00

## nonconforming

## lots

Ch. 1220,  
App. A, 12.03

## nonconforming

## structures

Ch. 1220,  
App. A, 12.02

## nonconforming

## uses

Ch. 1220,  
App. A, 12.01

## parking &amp; loading

## regulations

## improvements

Ch. 1220,  
App. A, 8.02

## intent

Ch. 1220,  
App. A, 8.00

## regulations

Ch. 1220,  
App. A, 8.01

## performance

## regulations

## intent

Ch. 1220,  
App. A, 11.00

## regulations

Ch. 1220,  
App. A, 11.01

## residential districts

area, yard and  
height

## regulations

Ch. 1220,  
App. A, 4.02

## development

## regulations

Ch. 1220,  
App. A, 4.03

## dwelling unit

## regulations

Ch. 1220,  
App. A, 4.04

## elderly assisted

## living

## facilities

Ch. 1220,  
App. A, 4.06

## intent

Ch. 1220,  
App. A, 4.00

**ZONING CODE (Cont.)**

## residential districts (Cont.)

open space Ch. 1220,  
App. A, 4.05

parking regulations Ch. 1220,  
App. A, 4.07

sign regulations Ch. 1220,  
App. A, 4.08

use regulations Ch. 1220,  
App. A, 4.01

## sign regulations

design standards Ch. 1220,  
App. A, 9.04

exemption from regulation Ch. 1220,  
App. A, 9.03

intent Ch. 1220,  
App. A, 9.00

regulations and maintenance  
of signs Ch. 1220,  
App. A, 9.02

types of signs Ch. 1220,  
App. A, 9.01

**ZONING INSPECTOR** Ch. 250

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2012-23	7-9-13	2012 Replacement Pages	2017-32	10-9-17	1482.01
2013-16	5-20-13	2013 Replacement Pages	2017-33	10-23-17	1440.05
2013-21	7-8-13	618.19	2017-39	11-27-17	Ch. 252 Editor's Note
2013-32	8-12-13	Ch. 1220, App. A, 4.01, 4.02, 4.07, 4.08, 5.01, 5.02, 5.05, 5.06, 6.01, 6.02, 6.05, 6.06	2018-17	4-9-18	882.01 to 882.16
2014-1	1-13-14	Ch. 1220, App. A, 4.06	2018-22	5-14-18	2018 Replacement Pages
2014-10	3-31-14	1440.05	2018-29	7-9-18	264.09(a)
2014-20	5-12-14	1440.05	2018-30	7-9-18	1012.01 to 1012.33, 1012.99
2014-21	5-27-14	2014 Replacement Pages	2018-36	9-10-18	646.01 to 646.07
2014-50	11-10-14	830.01 to 830.13, 830.99	2018-39	10-22-18	440.08
2014-52	12-12-14	618.13	2019-10	2-11-19	414.13
2015-1	1-26-15	630.04	2019-17	4-8-19	1012.01 to 1012.32, 1012.99
2015-10	4-13-15	618.19	2019-21	4-8-19	Ch. 1220, App. A, 2.01
2015-27	6-8-15	2015 Replacement Pages	2019-36	6-10-19	1444.08
2015-35	11-9-15	881.01 to 881.20, 881.97, 881.98, 881.99	2019-37	6-10-19	618.01(a)
2016-01	1-11-16	406.09	2019-38	6-10-19	648.05(b) to (d)
2016-02	1-25-16	881.99(D)	2019-43	7-8-19	650.01 to 650.04, 650.99
2016-08	3-28-16	1602.01 to 1602.03	2019-44	8-12-19	2019 Replacement Pages
2016-11	3-28-16	1440.05	2019-56	10-14-19	646.02
2016-15	5-23-16	Repeals Ch. 270	2019-63	10-28-19	262.01
2016-16	5-23-16	2016 Replacement Pages	2019-65	11-25-19	1483.01, 1483.02
2016-18	6-22-16	Ch. 1220, App. A, 3.07	2020-01	1-13-20	220.01
2016-26	9-12-16	618.01	2020-03	1-13-20	260.02
2016-27	9-12-16	618.18	2020-20	4-13-20	1010.08
2016-29	9-12-16	881.051, 881.091	2020-28	6-18-20	230.05
2016-40	12-12-16	1466.01 to 1466.15, 1466.99, 1486.01 to 1486.18, 1486.99	2020-29	6-18-20	230.06
2017-03	1-23-17	452.11	2020-33	7-13-20	646.08
2017-13	5-22-17	2017 Replacement Pages	2020-40	9-14-20	1024.09
2017-24	8-14-17	230.05	2020-50	10-26-20	230.07
			2021-23	4-12-21	1464.02
			2021-24	4-12-21	1602.01 to 1602.03
			2021-35	5-10-21	240.03
			2021-36	5-10-21	1602.04, 1602.05, 1602.11, 1602.12, 1602.99
			2021-49	7-12-21	Ch. 1220, App. A, 13.00 to 13.05
			2021-50	7-12-21	Ch. 1220, App. A, 2.01
			2021-51	7-12-21	Ch. 1220, Ap. A, 3.01

---

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2021-52	8-9-21	230.08
2021-57	9-13-21	648.05
2021-61	9-13-21	660.21
2022-01	1-10-22	262.01
2022-02	1-10-22	220.05
2022-03	1-10-22	220.04
2022-07	1-10-22	254.01
2022-08	1-10-22	268.01
2022-20	2-28-22	220.01
2022-25	3-14-22	1440.06
2022-26	3-14-22	272.03
2022-54	6-13-22	660.17
2022-66	8-8-22	Ch. 1220, App. A, 3.04, 3.05, 3.06, 3.07, 3.10, Schedule 1
2022-69	8-8-22	230.03
2022-70	8-8-22	235.02, 235.03, 235.05



TABLE B - EASEMENTS

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 1927-28	12-5-27	To the Cleveland Electric Illuminating Co., to construct a line for service along the south side of Bell St.
1928-6	5-1-28	To the Cleveland Electric Illuminating Co., the right to construct and maintain fixtures, etc., for electric service.
Res. 1928-15	7-2-28	To the Cleveland Electric Illuminating Co., permission to install poles and anchors on E. Washington St.
1929-6	10-7-29	To the Cleveland Electric Illuminating Co., the right to construct and maintain poles, etc., for electric service.
Res. 1929-11	9-3-29	To the Cleveland Electric Illuminating Co., permission to install anchors, erect poles and string wires along and across certain highways in the Village.
Res. 1930-3	4-7-30	To the Cleveland Electric Illuminating Co., permission to string wires across certain highways in the Village.
Res. 1936-12	7-28-36	To the Cleveland Electric Illuminating Co., to extend and replace lines, and to the Nelson Corp. to remove and trim necessary trees.
1962-8	7-24-62	To the East Ohio Gas Co., to lay and maintain mains and pipes for natural gas service.
Res. 1967-2	5-23-67	To the Cleveland Electric Illuminating Co., to construct electric transmission lines.
1978-28	10-23-78	To A. Fairweather, to accommodate an encroachment.
1980-17	2-25-80	Authorizes Mayor to execute easement in favor of the County.
1983-10	1-24-83	Reconveys easement of Ord. 1980-17 through 5.44 acre parcel containing abandoned sewer plant.
1985-9	1-28-85	A drainage easement with Manor Brook Gardens Condominium Owners Association, Inc., Thomas and Thomas Manor Brook Gardens Development Co., and Thomas and Thomas Co.
1987-10	1-12-87	A drainage easement with Enzo Perfetto Jr.
1987-26	6-8-87	A drainage easement with Cuyahoga Savings Association.
1987-27	6-8-87	A drainage easement with Kenneth and Maureen Lechner.
1991-8	1-14-91	Easement on Sublot 13 of Bramble Farms Subdivision No. 2.
1992-28	5-11-92	Authorizes a right of way easement with Western Reserve Telephone Co. to allow use of Village property for the installation of telephone equipment.
1993-33	8-9-93	Authorizes easement to Bramble Farm Homeowners Assoc. to construct and maintain an entranceway to the subdivision.
1997-14	2-24-97	Authorizes temporary easements to treat run-off from septic systems within Bellwood Lake Subdivision.
1997-15	2-24-97	Authorizes temporary easements to treat run-off from septic systems within Bellwood Lake Subdivision.

TABLE B - EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
1997-16	2-24-97	Authorizes temporary easements to treat run-off from septic systems within Bellwood Lake Subdivision.
1997-40	10-14-97	Accepts an easement from Robert and Maureen Flesher for surface water drainage purposes.
1998-43	12-14-98	Authorizing the Mayor to enter into an easement agreement with Doris Gilbert, Donald Plzak, Trustee and George Plzak and the Chagrin River Land Conservancy.
2021-80	12-13-21	Approving the drainage easement and environmental covenant among South Russell Village, Whitetail Run Community Association, Inc., and the Ohio Environmental Protection Agency for the Manor Brook Headwater Stream Restoration Project, in part, authorizing the Mayor to execute such easement, and authorizing the Mayor and Fiscal Officer to take all necessary steps to effectuate such easement.

## CODIFIED ORDINANCES OF SOUTH RUSSELL

### PART TWO - ADMINISTRATION CODE

---

#### TITLE TWO - General Provisions

- Chap. 202. Codified Ordinances.
- Chap. 204. Official Standards.
- Chap. 206. Public Meetings.

#### TITLE FOUR - Legislation

- Chap. 220. Council.
- Chap. 222. Ordinances and Resolutions.

#### TITLE SIX - Administration

- Chap. 230. Administration Generally.
- Chap. 231. Village Secretary.
- Chap. 232. Mayor.
- Chap. 234. Solicitor.
- Chap. 235. Investment of Village Funds.
- Chap. 236. Fiscal Officer.
- Chap. 237. Tax Administrator.
- Chap. 238. Police Department.
- Chap. 240. Fire Department.
- Chap. 242. Service Department.
- Chap. 244. Street Commissioner.
- Chap. 246. Engineer.
- Chap. 248. Building Department.
- Chap. 250. Zoning Inspector.
- Chap. 252. Employees Generally.
- Chap. 254. Disabled Special Assistance Office.

#### TITLE EIGHT - Boards and Commissions

- Chap. 260. Planning Commission.
- Chap. 262. Board of Zoning Appeals.
- Chap. 264. Architectural Board of Review.
- Chap. 266. Board of Building Code Appeals.
- Chap. 268. Records Commission.
- Chap. 270. Board of Cemetery Trustees. (Repealed)
- Chap. 272. Parks Committee.

TITLE TEN - Judicial

Chap. 280. Chardon Municipal Court.

TITLE FOUR - Legislation  
 Chap. 220. Council.  
 Chap. 222. Ordinances and Resolutions.

---

CHAPTER 220  
 Council

220.01	Meetings.	220.06	Motions.
220.02	Powers and duties.	220.07	Miscellaneous rules.
220.03	Members duties and privileges.	220.08	Duties of Assistant Fiscal Officer.
220.04	Order of business.	220.09	Charitable Donation Policy.
220.05	Committees.		

CROSS REFERENCES

Composition and term - see Ohio R.C. 731.09  
 President pro tempore - see Ohio R.C. 731.10 et seq., 733.25  
 Qualifications - see Ohio R.C. 731.12, 731.44  
 Maximum compensation - see Ohio R.C. 731.13  
 Powers as to salaries and bonds - see Ohio R.C. 731.13, 731.49 et seq.  
 Vacancy - see Ohio R.C. 731.43  
 Meetings - see Ohio R.C. 731.44, 731.46  
 Rules and journal - see Ohio R.C. 731.45  
 General powers - see Ohio R.C. 715.03, 731.47  
 Removal or suspension of Fire Chief or firemen - see Ohio R.C. 733.35 et seq., 737.22  
 Hearings against delinquent officers - see Ohio R.C. 733.35 et seq.  
 Misconduct - see Ohio R.C. 733.72 et seq.  
 Power to establish auxiliary police unit - see Ohio R.C. 737.161  
 Removal or suspension of marshal or policemen - see Ohio R.C. 737.171  
 Designation of hazardous areas - see TRAF. 432.07  
 Offenses relating to public office - see GEN. OFF. 606.14 et seq.  
 Weed control - see GEN. OFF. Ch. 678  
 Granting franchises for garbage and refuse collection and disposal - see S.U. & P.S. 1050.02 et seq.  
 Establishment of fire lanes - see F.P. 1602.08

---

220.01 MEETINGS.

(a) Regular Meetings. Council shall meet in regular session in the Council Chambers at Village Hall, 5205 Chillicothe Road, South Russell, Ohio at 7:00 p.m. on the second and fourth Mondays of each month. During the months of June, July, August and December Council shall

meet in regular session on the second Monday only. Should any holiday fall upon the date for a regular meeting, Council shall appoint another date within the same month in lieu thereof.

(b) Special Meetings. The Mayor who is the President of Council or any three members of Council may call special meetings upon at least twenty-four hours' notice to each member. Special meetings shall be held at the hour and place for holding meetings, unless otherwise specified in the call for the special meeting.

(c) Organizational Meeting. The organizational meeting of Council shall be held at the first Regular Meeting in January. At such organizational meeting, Council shall organize itself by electing a President Pro Tem and adopt Rules and Procedures. The Mayor shall appoint committees and engage other personnel.

(Ord. 2005-31. Passed 12-12-05; Ord. 2020-1. Passed 1-13-20; Ord. 2022-20. Passed 2-28-22.)

## 220.02 POWERS AND DUTIES.

(a) The Pledge of Allegiance and Roll Call. The Mayor or in his absence, the President Pro Tem, shall take the Chair at the hour appointed for Council to meet and immediately call Council to order and lead the Pledge of Allegiance. The roll shall then be called by the Fiscal Officer, and shall enter in the minutes of each meeting the names of members present. The arrival time of those arriving late shall be recorded at the appropriate place in the minutes.

The order of the roll call shall be rotated at each meeting so that the first member to vote varies with each meeting. A majority of all members of Council shall constitute a quorum and the vote of the majority present and constituting a quorum shall be sufficient to transact business in the absence of other members. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote, take a recess and cause the Fiscal Officer to procure the attendance of absent members. Alternatively, the meeting shall be adjourned to such day as may be specified in the motion for adjournment.

(b) Temporary Chairman. In case of the absence of the Mayor and President Pro Tem, the Fiscal Officer shall call Council to order. The Fiscal Officer shall call the roll and if a quorum is found to be present, Council shall proceed to elect, by a majority vote, a Temporary Chairman of the meeting until the appearance of the Mayor or President Pro Tem.

(c) Substitute Chairman. The Chair, i.e., the Mayor, President Pro Tem or Temporary Chairman, may call any member to take his place in the Chair, such substitution is not to continue beyond adjournment.

(d) Appeals from Decisions of the Chair. The Chair shall preserve decorum and decide all questions of order, subject to appeal to Council. If any member transgresses the rules of Council, the Chair shall, or any member may, call him to order and in the latter instance the Chair shall render a decision as to the point of order. In case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand as the decision of Council?" The Chair shall be sustained unless overruled by a majority vote of the members of Council present.

(e) Decorum.

- (1) By Council members. While Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise delay or interrupt the proceedings or the peace and dignity of Council, nor disturb or interrupt any member while speaking or refuse to obey the orders of the Presiding Officer or Council.
- (2) By other persons. Any person, while addressing Council, who makes personal, impertinent or slanderous remarks, or who becomes boisterous, shall be ordered ejected from the Council Chamber forthwith by the Presiding Officer and barred from further audience before that Council meeting unless permission to continue be granted by a majority vote of Council present.

(f) Enforcement of Decorum.

- (1) The Police Chief, or such member or members of the Police Department as he may designate, shall be Sergeant-At-Arms of all Council meetings. He or they shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-At-Arms, to place any person who violated the order and decorum of the meeting under arrest and cause him to be prosecuted for disturbing the peace, the complaint to be signed by the Presiding Officer.
- (2) If the offending person is the Presiding Officer or a member of Council, he shall not be removed from the meeting or charged as provided in subsection (f)(1) hereof unless a majority of the other members of Council present concur that such member of Council shall be prosecuted as provided for in subsection (f)(1) hereof.

(g) Addressing Council. Persons desiring to address Council may do so in the following manner:

- (1) Written communications. Interested parties or their authorized representatives may address Council by written communications on any matter of Village business by addressing such communications to the Mayor. Such written communications shall be read by the Fiscal Officer as directed by Council.
- (2) Oral communications. Any person or his authorized representatives who wish to address Council should notify the Fiscal Officer by noon on the Thursday before the scheduled meeting to be included on the agenda. During the visitors section, any person or his authorized representatives may appear before Council on any matter of Village business at the proper time provided in the agenda by rising and securing permission of the Presiding Officer. Such person shall state in an audible tone of voice for the record his name and address and the name and address of the person or group he may represent, if other than himself. Such person shall limit his address to five minutes unless the Presiding Officer or Council grants further time. No person other than the members of Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of Council, without the permission of the Presiding Officer. No question shall be asked of a member of Council except through the Presiding Officer.

(h) Mayor's Power to Vote. The Mayor shall have no vote unless Council, after voting on an issue, has caused a tie vote and in that case the Mayor shall cast the deciding vote and his vote shall have the same legal effect as a vote of a member of Council.

(Ord. 2005-31. Passed 12-12-05.)

#### 220.03 MEMBERS DUTIES AND PRIVILEGES.

(a) Seating Arrangement. The Mayor is seated in the center of the Council table and the President Pro Tem sits on the Mayor's right. The seating arrangement of the members of Council are according to the Mayor's discretion. The Fiscal Auditor sits at the far left and the Fiscal Officer at the far right. The Engineer and the Solicitor are seated at the table on the right side of Council Chambers and Department Heads are seated at the table on the left side of Council Chambers.

(b) Addressing the Chair. Members, when about to speak to a question or make a motion, shall address the Chair as "Mayor," "President Pro Tem" or "Chairman," who shall pronounce the name of the member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid personalities.

(c) Limitation of Debate. No member shall be allowed to speak for a time longer than five minutes nor more than once upon any one subject until every member choosing to speak has spoken, nor more than twice upon the same subject. Any further discussion shall be referred to Committee to discuss and bring back to Council.

(d) Voting. Every member present when a question is put shall vote on the same, unless Council, for special reasons, excuses him from voting. Such excuse shall be granted only if the member states reason for the request before voting begins. A member may abstain from voting.

(e) Division of a Question. On demand of any member, a question under consideration which covers two or more points shall be divided where the question admits of such division.

(f) Demand for Roll Call. Any member may demand a roll call vote upon any question before Council at any time before the decision on such question is announced by the Chair.

(g) Excusal from Attendance. No member shall be excused from attendance at a Council meeting, except upon request to and permission by the Mayor and notification to the Fiscal Officer prior to such meeting or by a vote of a majority of the members present.

(h) Excusal during Meeting. No member shall be excused while Council is in session except upon permission of the Chair.

(Ord. 2005-31. Passed 12-12-05.)

#### 220.04 ORDER OF BUSINESS.

(a) Agenda. The agenda for Council meetings should include the following:



- (1) Pledge of Allegiance.
- (2) Roll Call.
- (3) Minutes.
- (4) Visitors.
- (5) Reports:
  - A. Mayor
  - B. Fiscal Officer
  - C. Fiscal Auditor [provided at one meeting per month]
  - D. Finance Committee
  - E. Solicitor
  - F. Engineer [provided at one meeting per month]
  - G. Street Commissioner [provided at one meeting per month]
  - H. Street Committee
  - I. Building Committee
  - J. Police Chief [provided at one meeting per month]
  - K. Safety Committee
  - L. Human Resources Committee
  - M. Property Committee
  - N. Public Utilities Committee
- (6) Ordinances and Resolutions.
- (7) Bills List.
- (8) New/Other Business.
- (9) Motion to Adjourn.

(b) Old Business. Old business shall be brought before Council through the vehicle of committee reports and/or through the reports of individual Council members.

(c) New/Other Business. Upon completion of the consideration of bills, the Mayor shall direct the Fiscal Officer to read the names of each member of Council in roll call order and ask whether the member has any new matter to bring before Council. Upon the completion of this roll call, during which there shall be no interruptions, the Chair may entertain a motion to adjourn. (Ord. 2005-31. Passed 12-12-05; Ord. 2022-03. Passed 1-10-22.)

#### 220.05 COMMITTEES.

(a) Appointment of Committees. The following standing committees, consisting of two members each, are hereby authorized. Appointment of members to such committees shall be made by the Mayor and approved by Council.

- (1) Building Department Committee.
- (2) Finance Committee.
- (3) Human Resources Committee.
- (4) Properties Committee.
- (5) Public Utilities Committee.
- (6) Safety Committee.

(7) Streets Committee.

The Mayor, with Council's approval, or Council may appoint such special or ad hoc committees as are deemed necessary, provided that matters referred to or pending before a standing committee may not, without consent of its members, be referred to or considered by a special committee.

(b) Committee of the Whole. The Mayor shall preside when Council resolves itself into a Committee of the Whole. These rules of Council shall govern the Committee of the Whole except that no limit shall be placed on or time or frequency of speaking and the previous question cannot be moved. All questions shall be decided by a majority vote of those present. When this Committee arises, any measure, together with any amendments thereto, reported out, shall receive the immediate consideration of Council unless otherwise ordered placed upon the calendar.

(c) Meetings. Committees shall meet on call of the Chairman, or on request of two members and the Fiscal Officer shall be notified of the date, time and location of the meeting.

(d) Quorum. A majority of members of a committee shall constitute a quorum.

(e) Temporary Chairman. In the absence of a Chairman, the member named next shall act as Temporary Chairman.

(f) Secretary to Committees. The Chairman of a committee shall act as Secretary.

(g) Reports. Reports of committees shall be agreed to by a majority thereof. All documents that are the property of the Village shall be returned to Council with the report of the committee. Upon motion, and by a majority vote, Council may relieve a committee of further consideration of any question and order it placed on the calendar. When any matter is referred to a committee with instructions to report at a time named in the order of reference, failure to report at such time shall be considered as if reported back without recommendation, unless Council extends the time for the report. If no such extension is granted, the Committee shall forthwith return to the Fiscal Officer the documents pertaining thereto, and the matter shall take its appropriate place on the calendar.

(Ord. 2005-31. Passed 12-12-05; Ord. 2022-02. Passed 1-10-22.)

220.06 MOTIONS.

(a) Generally. When a motion is made it shall be stated by the Chair before debate. Any member may demand that it be reduced to writing. A motion shall not be withdrawn by the mover without the consent of Council. Unless otherwise required by law, a motion shall be deemed passed if it receives the affirmative vote of a majority of the members present, including the chair, if entitled to vote thereon.

(b) Order of Precedence. When a question is before Council, no motion shall be entertained except the following:

To adjourn.

To table.

To call the question.

To postpone to a certain time.

To refer.

To amend.

To postpone indefinitely.

- (1) Motion to adjourn. Motion to adjourn shall be in order at any time, except as follows.

When repeated without intervening business or discussion.

When made while another member is speaking.

When the previous question has been ordered.

While a vote is being taken.

A motion to adjourn is not debatable except as to time to which the meeting is adjourned.

- (2) Motion to table. A motion to table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of the majority of the members present.
- (3) Motion to call the question. A motion to call the question shall be stated in these words: "Call the question." The motion to call the question shall pass if two-thirds (2/3rds) of the members present shall favor it. If the said motion is ordered, there shall be no further amendment or debate, but the question shall be put immediately.
- (4) Motion to postpone to a certain time or indefinitely. Motions to postpone may be amended to a specific stated time, excepting a motion to postpone indefinitely. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.
- (5) Motion to refer. Motion to refer requires the proposal be referred to the appropriate committee or individual for further study or investigation.
- (6) Motion to amend. A motion to amend shall apply to only one amendment. An amendment once rejected may not be moved again in the same form.
- (7) Motion to suspend rules. A motion to suspend the rule which requires three readings on three separate days must receive the affirmative vote of three-fourths of the members elected to Council and shall be debatable. All other rules may be suspended by a majority of members of Council present without debate.
- (8) Motion to reconsider. A motion to reconsider a proposal that has been acted upon favorably must be made before adjournment of the session of Council at which the vote was taken. A motion to reconsider any other action taken by Council, may be made not later than the next regular meeting after the vote of Council thereon. In either case such motion may be made only by a member who voted with the prevailing side. The concurrence of a majority of the members present shall be

sufficient for reconsideration of a vote. If a motion to reconsider is lost, it shall not be entertained again.

(Ord. 2005-31. Passed 12-12-05.)

#### 220.07 MISCELLANEOUS RULES.

(a) Procedure in Absence of Rule. In the absence of a rule to govern a point of procedure, reference shall be made to Roberts Rules of Order.

(b) Decorum in Council Chambers. The Chair shall maintain decorum in Council Chambers during sessions. Persons, other than members of Council, Village Officials and members of the press, shall not be permitted upon the floor of the Council, or to address Council, except upon introduction by the Chair or a member of Council. If anyone, other than a Village Official, desires to speak to a member of Council while it is in session, the member, if agreeable to the request, shall leave his seat and retire to the rear of the Council Chambers or elsewhere until the conversation is finished.

(c) Adoption of Ordinances and Resolutions.

- (1) The following procedures shall apply to the passage of ordinances and resolutions:
  - A. Each ordinance and resolution shall be read by title only, provided Council may require any reading to be in full by a majority vote of its members.
  - B. Each ordinance or resolution shall be read on three different days, unless Council waives the readings by a vote of at least three-fourths of its members.
  - C. The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.
  - D. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all members of Council present.
- (2) Action by Council, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

(d) Rules on Readings and Suspension of Rules. No bylaw, ordinance or resolution, of a general or permanent nature or granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed unless it has been fully and distinctly read on three different days, and with respect to any such bylaw, ordinance or resolution, there shall be no authority to dispense with this rule, except by a three-fourths (3/4) vote of all members elected to Council, taken by yeas and nays, on each bylaw, ordinance or resolution, and entered on the Journal.

(e) Emergency Measures. Emergency measures shall not require more than one reading. In order to pass as an emergency measure, the affirmative vote of four (4) members of Council on the emergency clause is required.

(f) Majority. Whenever the term "majority", is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those members elected to Council.

(g) Amending Rules. A majority vote is required to alter, amend, rescind or supplement these rules. Any proposed alterations or amendments or supplements shall be submitted in writing at a regular meeting and placed on the calendar for the next regular meeting under the order of new business. Such proposed alterations, amendments or supplements may be adopted at the meeting at which the same are submitted by unanimous recorded vote of all members of Council.

(h) Quorum. Majority of all members elected to Council shall constitute a quorum.

(i) Solicitor. The Solicitor shall, when requested by a member of Council, give a verbal opinion on any question of law concerning Village affairs in open Council, but he may, if he deems the matter of importance, take a reasonable time to submit his opinion in writing. He shall draw an ordinance or resolution only upon the request of Council.  
(Ord. 2005-31. Passed 12-12-05.)

#### 220.08 DUTIES OF ASSISTANT FISCAL OFFICER.

(a) The position of Assistant Fiscal Officer for the Village is hereby created.

(b) The duties of the Assistant Fiscal Officer shall be to assist the Fiscal Officer and the Fiscal Auditor when requested, to attend meetings in the Fiscal Officer's absence, and to perform such other duties and functions as may be required by law.

(c) The Assistant Fiscal Officer shall execute and file with the Fiscal Officer a bond in such amount and with such sureties as may be required by Council, conditioned upon the faithful performance of his or her duties.  
(Ord. 1977-11. Passed 3-28-77.)

#### 220.09 CHARITABLE DONATION POLICY.

(a) Any person or organization desiring a Charitable Donation should come before Council in person, or make a written request addressed to Council stating the purpose of their charity or project; the size and scope of the undertaking; how it would benefit the Residents of South Russell; and the amount they are requesting from Council.

(b) Council should consider any request in terms of the number of Residents of South Russell who will benefit from the charity, or project; the amount of the contribution being requested; and how the charity, or project will enhance the lives of the Residents of the Village of South Russell; and without regard for race, color, religion, sex, or national origin.

(c) The amount of all Charitable Donations made each year should not total an amount greater than one-half of one percent (.5%) of the Real Estate Tax collected during the year. (Ord. 1999-45. Passed 12-20-99.)



## TITLE SIX - Administration

- Chap. 230. Administration Generally.
- Chap. 231. Village Secretary.
- Chap. 232. Mayor.
- Chap. 234. Solicitor.
- Chap. 235. Investment of Village Funds.
- Chap. 236. Fiscal Officer.
- Chap. 237. Tax Administrator.
- Chap. 238. Police Department.
- Chap. 240. Fire Department.
- Chap. 242. Service Department.
- Chap. 244. Street Commissioner.
- Chap. 246. Engineer.
- Chap. 248. Building Department.
- Chap. 250. Zoning Inspector.
- Chap. 252. Employees Generally.
- Chap. 254. Disabled Special Assistance Office.

## CHAPTER 230

## Administration Generally

- |        |                                |        |                           |
|--------|--------------------------------|--------|---------------------------|
| 230.01 | Clerical help.                 | 230.05 | Accounting procedures and |
| 230.02 | Bonds.                         |        | internal controls.        |
| 230.03 | Issuance of checks.            | 230.06 | Deposit of public moneys. |
| 230.04 | Expenditures by department     | 230.07 | Petty Cash Fund.          |
|        | heads without purchase orders. | 230.08 | Inventory procedure.      |

## CROSS REFERENCES

Employees generally - see ADM. Ch. 252

Offenses relating to public office - see GEN. OFF. 606.14 et seq.

## 230.01 CLERICAL HELP.

When approved by Council, additional clerical help may be hired by any department of the Village and shall be compensated at a rate to be determined by Council.

## 230.02 BONDS.

Before entering upon the discharge of his duties, each officer and employee herein named shall execute a bond, approved according to law, in the amount set forth opposite his respective office or position:

Mayor	\$1,000
Fiscal Officer	\$1,000
Fiscal Auditor	\$1,000

(Ord. 1968-9. Passed 6-24-68.)

#### 230.03 ISSUANCE OF CHECKS.

The Fiscal Officer or Fiscal Auditor (if one is appointed) and the two Council Members who serve on the Finance Committee of Council (one being the Chair of the Finance Committee and the other being a member of the Finance Committee) may be signatories to checks issued on the Village, except that the Fiscal Auditor (if one is appointed) and/or the Fiscal Officer shall be one of the signatories on every check issued on the Village. The Chairman of the Finance Committee of Council or the other Council Member of the Finance Committee of Council may be the second signatory on a Village check, provided that either the Fiscal Auditor (if one is appointed) or the Fiscal Officer is the primary signatory.

(Ord. 2008-14. Passed 3-10-08; Ord. 2022-69. Passed 8-8-22.)

#### 230.04 EXPENDITURES BY DEPARTMENT HEADS WITHOUT PURCHASE ORDERS.

All department heads (Fiscal Officer, Chief of Police, Street Commissioner, Building Inspector) are hereby authorized to make expenditures for purchases of supplies, goods, services and other items on behalf of the Village without the need for issuance of a purchase order prior to payment when such expenditure for any one item does not exceed the amount of fifty dollars (\$50.00).

(Ord. 1985-7. Passed 1-14-85.)

#### 230.05 ACCOUNTING PROCEDURES AND INTERNAL CONTROLS.

(a) Purpose. The purpose of this section is to assist Village personnel with requisitioning, purchasing, receiving, and paying for goods and services. This section provides purchasing objectives and policies, as well as the procedure to be followed in performing the major and minor purchasing functions.

(b) Purchasing Considerations. The purpose of a Purchase Order Requisition system is to inform the Village of the needs of a department and allow the Fiscal Officer the ability to confirm the availability of funds. It is the responsibility of the department head to anticipate the needs of the department, as much in advance as possible so as not to create a situation whereby items need to be purchased on an emergency basis.

(c) Any department that wishes to make a purchase against an unencumbered balance of a fund must properly prepare a Purchase Order Requisition in complete detail (except for items bought under a blanket purchase order or under \$1,500). The Purchase Order date must precede the invoice date, preferably the date of order. The Purchase Order format may be in paper format or electronic if approved by the Fiscal Officer. An example of a Purchase Order Requisition Form is incorporated herein as Appendix A. This form can be changed and updated upon the needs of the Village.



**CHAPTER 235**  
**Investment of Village Funds**

235.01	Investment of surplus funds.	235.04	Emergency medical services
235.02	Treasury Investment Board.		rates; exemptions.
235.03	Ohio Subdivision Fund.	235.05	Established.

**CROSS REFERENCES**

Loss of funds; release of liability - see Ohio R.C. 131.18 et seq.  
 Uniform Depository Act - see Ohio R.C. Ch. 135  
 Election and term - see Ohio R.C. 733.42  
 Accounts - see Ohio R.C. 733.43, 733.45 et seq.  
 Powers and duties - see Ohio R.C. 733.44  
 Annual report to Council - see Ohio R.C. 733.45  
 Bond - see ADM. 230.02  
 Earned Income Tax - see B.R. & T. Ch. 880

**235.01 INVESTMENT OF SURPLUS FUNDS.**

Whenever there are moneys in the Treasury of the Village which will not be required to be used for a period of six months or more, such moneys may, in lieu of being deposited in a bank or banks, be invested in accordance with the provisions of Ohio R.C. 731.56 through 731.59. Investments so purchased shall be sold in accordance with Ohio R.C. 731.57.  
 (Ord. 1969-9. Passed 4-28-69.)

**235.02 TREASURY INVESTMENT BOARD.**

(a) There is hereby established for the Village a Treasury Investment Board consisting of the Mayor, the Fiscal Officer or Fiscal Auditor (if one is appointed), the Chair of the Finance Committee of Council, one resident of the Village with a background in finance, appointed by a majority of Council members, and the Solicitor of the Village. The Treasury Investment Board shall be scheduled to meet quarterly in every calendar year.

(b) If Council determines that public funds of the Village should be invested in eligible securities, the Treasury Investment Board shall consider such investments and recommend to the Fiscal Officer or Fiscal Auditor (if one is appointed) the advisability of such investments, which recommendation may be considered by the Fiscal Officer or Fiscal Auditor (if one is appointed) when the Fiscal Officer or Fiscal Auditor (if one is appointed) submits the recommendation to the Mayor and Solicitor as to whether such money shall be invested in accordance with R.C. § 731.57.

(c) The Fiscal Officer or Fiscal Auditor (if one is appointed) shall keep an account known as the Treasury Investment Account in which the Fiscal Officer or Fiscal Auditor (if one is appointed) shall enter all transactions related to the investment of treasury funds.

(d) No investment of Village funds in excess of twenty percent of the ending fund balance at the last day of the preceding calendar year may be made without approval of a majority of Council members.

(Ord. 1981-8. Passed 2-23-81; Ord. 2022-70. Passed 8-8-22.)

#### 235.03 OHIO SUBDIVISION FUND.

(a) The Fiscal Officer or Fiscal Auditor (if one is appointed) for the Village is hereby authorized, pursuant to Amended House Bill No. 760, effective March 19, 1985, to pay public moneys of the Village into the Ohio Subdivision Fund which fund is in the custody of the Treasurer of the State.

(b) The Fiscal Officer or Fiscal Auditor (if one is appointed) is hereby authorized to enter into an agreement with the state, and the County of Geauga to have wired directly to the Custodian Bank for the Treasurer of the State for credit to the Village Investment Pool account any moneys due from the state or the County of Geauga in such manner as may be regulated by the Treasurer for the State.

(Ord. 1985-65. Passed 12-9-85; Ord. 1992-7B. Passed 2-10-92; Ord. 2022-70. Passed 8-8-22.)

#### 235.04 EMERGENCY MEDICAL SERVICES RATES; EXEMPTIONS.

(a) Rates for emergency medical services shall be established by Council, by motion.

(b) Residents of the Village who are not delinquent in payment of their income taxes, if any, to the Village shall not be required to reimburse the Village for the provision of emergency medical services by the Village which are not covered by medical or other insurance and such requirement for reimbursement shall be deemed paid by the local taxes paid by such Village resident.

(Ord. 2003-20. Passed 7-14-03.)

#### 235.05 ESTABLISHED.

The position of "Fiscal Auditor" is hereby created for the Village of South Russell. Said position may be filled by appointment by the Mayor, subject to confirmation by a majority of the members elected to Council. Said Fiscal Auditor, if one is appointed, shall serve at the pleasure of the Mayor and Council and may be removed, with or without cause. The Mayor may remove said individual with a concurrence of a majority of Council or said individual may be removed by a 3/4 majority of Council, with or without the concurrence of the Mayor. The Fiscal Auditor, if one is appointed, shall perform the duties as set forth by a job description adopted by motion by a majority of Council.

(Ord. 2007-17. Passed 4-23-07; Ord. 2022-70. Passed 8-8-22.)

(Next page is 20B-3)

CHAPTER 254  
Disabled Special Assistance Office

254.01 ADA grievance procedure; requests.                      254.02 Office established.

CROSS REFERENCES

Regulations for access to public buildings - see Ohio R.C. 3781.111

---

254.01 ADA GRIEVANCE PROCEDURE; REQUESTS.

(a) The following ADA Grievance Procedure is established as to the investigation and mediation of complaints against the Village as to its noncompliance or prohibited actions under the Americans with Disabilities Act of 1990 (ADA) for the prompt and equitable resolution of such complaints:

- (1) Any person may file a complaint with the Disabled Coordinator regarding access or discrimination in regard to the ADA. The Building Inspector shall be the Disabled Coordinator. Such complaint shall be in writing and shall clearly state the name and address of the complainant and the particulars of the alleged violation. Individuals with a disability shall be given any special assistance required in filing a complaint.
- (2) The Disabled Coordinator shall, after receiving such complaint, promptly inform the Mayor of the filing of the complaint in order that he may set a hearing upon the complaint within fifteen working days of its filing and give prompt written notice of such hearing to the complainant. The Coordinator shall then make a prompt and full investigation and turn over his or her findings and recommendations to the Mayor within ten working days of the filing of the complaint.

- (3) The Mayor shall conduct an administrative hearing upon such complaint within fifteen working days of its filing. At the hearing, the individual filing the complaint may appear with witnesses to state his or her position regarding the complaint and resolution of it and may be represented by legal counsel. Any required auxiliary aids requested for purposes of the hearing shall be supplied by the Village. The Mayor shall render his written decision within five working days of the hearing. Should the complainant choose not to appear for the hearing, the Mayor shall render his decision based upon the complaint and the Coordinator's investigation report and all other resources at his disposal. The Mayor shall determine and include in his decision which, if any, special accommodations or modifications were considered and his findings and determinations with reasons therefor as to whether the same would present an undue burden upon the Village.
- (4) If the complaint cannot be resolved to the complainant's satisfaction by the Mayor, the complainant may make written request to the Village Fiscal Officer within five working days of the Mayor's decision that the complaint be heard and discussed at an open, public meeting of Council. Individuals with a disability shall be given any special assistance required in filing this appeal. A public hearing with at least fourteen days public notice in a newspaper of general circulation within the Village and written notice to the complainant shall be conducted within thirty days of the next meeting of Council. Proceedings shall be recorded and maintained. Council shall render its decision in writing within thirty days of the hearing. The decision of Council shall be final.
- (5) A record of action taken on all complaints and requests shall be maintained as part of the records or minutes at each level of the grievance process.
- (6) A complainant's right to a prompt and equitable resolution of his or her complaint or request shall not be impaired by his or her pursuit of other remedies and use of this grievance procedure shall not be considered a prerequisite to the pursuit of other remedies.
- (7) Council reserves the right to appoint a special committee or board to hold the required public hearing upon an appeal of the Mayor's decision upon any complaint under this section and to make written recommendations to Council before Council's decision upon the complaint.

(b) Any requests or suggestions regarding access to and participation in public facilities, services and functions of the Village by qualified individuals with a disability shall be made through the Disabled Special Assistance Office for review and prompt presentation to the Mayor for consideration.

(c) The Disabled Special Assistance Office shall keep a record of all requests and complaints filed and action taken thereon.

(Ord. 1992-43. Passed 8-11-92; Ord. 2022-07. Passed 1-10-22.)

CHAPTER 262  
Board of Zoning Appeals

262.01 Membership; organization and procedures.

CROSS REFERENCES

Zoning Inspector - see ADM. Ch. 250

Planning and zoning - see Part Twelve - Planning and Zoning Code

---

262.01 MEMBERSHIP; ORGANIZATION AND PROCEDURES.

(a) Appointment.

- (1) There is hereby established a Board of Zoning Appeals which shall consist of five residents of the Village appointed by the Mayor and confirmed by Council. Vacancies shall be filled by the same procedure. The five electors first appointed shall serve for terms of four years. Each member shall serve until a successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office or other cause, by Council, upon written charges having been filed with the Village Fiscal Officer and after public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by certified mail or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (2) The Mayor may appoint, subject to confirmation by Council, up to one resident of the Village to serve as an alternate member of the Board of Zoning Appeals for a term of four years each. This alternate member shall be in addition to the regular members and may substitute for regular members of the Board of Zoning Appeals who are unable to attend a meeting of or participate in a matter before the Board of Zoning Appeals. The alternate member at such meeting or such matter shall have all the powers and duties of a regular member of the Board of Zoning Appeals, including but not limited to the ability to vote. In the event the alternate member participates in a matter which does conclude at such meeting, but is continued for further deliberations, the alternate member shall remain in substitution for the regular member(s) until the conclusion of such matter and the substituted regular member(s) shall not participate in such matter.

(b) Organization and Procedure. The Board shall organize annually to elect a chairman, and a vice-chairman. It shall further adopt rules for its own government not inconsistent with law

or with any other ordinances of the Village to hear appeals or any other matters authorized by the provisions of the Zoning Code.

- (1) Meetings. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the vice-chairman or in the event the vice-chairman is absent, such member elected to chair the meeting, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public except that the Board may be permitted to meet in closed session while adjudicating appeals presented to the Board. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep such records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk for the Village and shall be a public record.
- (2) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by motion and the concurring vote of a majority of the Board attending any meeting shall be necessary to reverse any order or determination of the Zoning Inspector or to decide in favor of an applicant any matter of which the Board has original jurisdiction under the Zoning Code, or to grant any variance from the requirements stipulated in the Zoning Code.
- (3) Department assistance. The Board may call upon the various departments of the Village for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.
- (4) Solicitor's duties. The Board may call upon the Village Solicitor for assistance in the performance of its duties, and in the conduct of its meetings.  
(Ord. 1984-12. Passed 1-23-84; Ord. 2019-63. Passed 10-28-19; Ord. 2022-01. Passed 1-10-22.)

CHAPTER 266  
Board of Building Code Appeals

EDITOR'S NOTE: Provisions relating to the Board of Building Code Appeals are codified in Chapter 1448 of these Codified Ordinances.

## CHAPTER 268

### Records Commission

268.01 Establishment; duties.

#### CROSS REFERENCES

Photostat or microfilm recording - see Ohio R.C. 9.01

Records commissions - see Ohio R.C. 149.39

#### 268.01 ESTABLISHMENT; DUTIES.

(a) There is hereby created a Records Commission composed of the Mayor or his appointed representative, as chairman, the Village Fiscal Officer, the Solicitor and a resident appointed by the Mayor. The Commission shall appoint a secretary who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist to serve under its direction. The Commission shall meet at least once every six months and upon call of the chairman.

(b) The functions of the Commission shall be to provide rules for retention and disposal of records of the Village and to review records disposal lists submitted by municipal offices. The disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal or fiscal value to the Village or to its residents. Such records may be disposed of by the Commission pursuant to the procedure outlined in this section. When municipal records have been approved for disposal, a list of such records shall be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of the State. If the Bureau disapproves of the action by the Commission in whole or in part, it shall so inform the Commission within a period of sixty days and these records shall not be destroyed. Before public records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such public records as it considers to be of continuing historical value.

(c) "Public record" means any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the Village which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the office.

(Ord. 1981-9. Passed 2-23-81; Ord. 2022-08. Passed 1-10-22.)



CHAPTER 272  
Parks Committee

272.01 Establishment.

272.03 Membership.

272.02 Powers and duties.

---

272.01 ESTABLISHMENT.

A Parks Committee, with powers provided as follows, is hereby established for the Village.  
(Ord. 2008-8. Passed 2-11-08.)

272.02 POWERS AND DUTIES.

The Parks Committee shall manage and operate any lands owned or leased by the Village and designated by Council as "park property" in accordance with the Mission Statement for such Committee established by Council and any applicable conservation easements. The budget for the Parks Committee shall be established annually by Council and such budget may not be exceeded without Council approval. The Committee may plan and organize improvements, alterations and activities for such park property, but the Committee shall not incur any expenses or enter into any agreements without the consent of Council. The Committee may establish rules and regulations to govern the operations and use of the properties designated as "park property", not in conflict with any Ordinances of the Village, and to provide for the punishment of any person violating such rules and regulations. All such rules and regulations shall be subject to approval by Council.  
(Ord. 2008-8. Passed 2-11-08.)

272.03 MEMBERSHIP.

The Parks Committee shall be composed of six members as follows: the Chair of the Properties Committee of Council and five citizens of the municipality to be appointed by the Mayor, subject to confirmation by Council, for terms of four years each. The Chair of the Properties Committee shall have no specific term but shall serve on the Committee only so long as he/she remains as Chair. All members shall serve without compensation. The Committee shall appoint one of its members to serve as Chairperson and another member to serve as its clerk/secretary who shall be responsible to handle all correspondence related to the Committee and its activities, to prepare minutes of all meetings of the Committee, and to perform such other duties and functions as may be required by the Committee. All meetings of the Committee shall be considered as public meetings and shall be advertised and conducted in accordance with all municipal and state regulations for the meetings of public bodies.  
(Ord. 2008-8. Passed 2-11-08; Ord. 2022-26. Passed 3-14-22.)



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.

- (d) (1) Prior to towing a vehicle under subsection (b) 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 subsection (a) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

- (2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

- (e) (1) If an owner of a private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:

- A. The vehicle's license number, make, model and color;
- B. The location from which the vehicle was removed;
- C. The date and time the vehicle was removed;
- D. The telephone number of the person from whom the vehicle may be recovered;
- E. The address of the place from which the vehicle may be recovered.

- (2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The 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.

- (f) (1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of either of the following to ascertain the identity of the owner and any lienholder of the vehicle:
    - A. The records of the Bureau of Motor Vehicles;
    - B. 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.
  - (2) 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.
  - (3) Subject to division (f)(6) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
    - A. Within five 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;
    - B. If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner required under division (f)(3)A. of this section.
  - (4) Sixty days after any notice sent pursuant to division (f)(3) 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.
  - (5) 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).
  - (6) 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 (f)(3)A. of this section.
- (g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:
    - A. 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;

- B. Payment of the following fees:
1. All applicable fees established by the Public Utilities Commission in rules adopted under Ohio 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 subsection (f)(1)A. of this section;
  2. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).
- (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) 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.



## CHAPTER 438

### Safety and Equipment

438.01	Driving unsafe vehicles.	438.16	Number of lights; limitations on flashing, oscillating or rotating lights.
438.02	Lighted lights; measurement of distances and heights.	438.17	Focus and aim of headlights.
438.03	Headlights on motor vehicles and motorcycles.	438.18	Motor vehicle and motorcycle brakes.
438.04	Tail light; illumination of rear license plate.	438.19	Horn, siren and theft alarm signal.
438.05	Rear red reflectors.	438.20	Muffler; muffler cutout; excessive smoke, gas or noise.
438.06	Safety lighting on commercial vehicles.	438.21	Rear-view mirror; clear view to front, both sides and rear.
438.07	Obscured lights on vehicles in combination.	438.22	Windshield and windshield wiper; sign or poster thereon.
438.08	Red light or red flag on extended loads.	438.23	Limited load extension on left side of passenger vehicle.
438.09	Lights on parked or stopped vehicles.	438.24	Motor vehicle stop lights.
438.10	Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles.	438.25	Air cleaner required.
438.11	Spotlight and auxiliary lights.	438.26	Child restraint system usage.
438.12	Cowl, fender and back-up lights.	438.27	Drivers and passengers required to wear seat belts.
438.13	Display of lighted lights.	438.28	Use of sunscreening, nontransparent and reflectorized materials.
438.14	Use of headlight beams.	438.29	Bumper heights.
438.15	Lights of less intensity on slow-moving vehicles.	438.30	Directional signals required.

### CROSS REFERENCES

See sectional histories for similar State law

Warning devices for commercial vehicles disabled upon freeways - see Ohio R.C. 4513.28

Slow moving vehicle emblem - see OAC Ch. 4501.13

Motorized bicycle lights and equipment - see Ohio R.C. 4511.521

Vehicle lighting - see OAC 4501-15

Use of stop and turn signals - see TRAF. 432.14

Wheel protectors for commercial vehicles - see TRAF. 440.05

Vehicles transporting explosives - see TRAF. 440.06

Towing requirements - see TRAF. 440.07

Use of studded tires and chains - see TRAF. 440.11

Bicycle equipment - see TRAF. 373.05 et seq.

**438.01 DRIVING UNSAFE VEHICLES.**

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery. (ORC 4513.02)

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.99)

**438.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.**

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway shall display lighted lights and illuminating devices as required by this chapter during all of the following times:

- (1) The time from sunset to sunrise;
- (2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the street or highway are not discernible at a distance of one thousand feet ahead;
- (3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway using only parking lights as illumination.

(b) Whenever in this chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

(c) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway to stop the vehicle solely because the officer observes that a violation of subsection (a)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that subsection, or causing the arrest of or commencing a prosecution of a person for a violation of that subsection.



**438.09 LIGHTS ON PARKED OR STOPPED VEHICLES.**

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 438.02, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(ORC 4513.10)

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

(ORC 4513.99)

**438.10 LIGHTS, EMBLEMS, AND REFLECTORS ON SLOW-MOVING VEHICLES, FARM MACHINERY, AGRICULTURAL TRACTORS, AND ANIMAL-DRAWN VEHICLES.**

(a) Definitions. As used in this section:

- (1) "Boat trailer." Means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.
  - (2) "Slow-moving vehicle" and "SMV". Mean a boat trailer, unit of farm machinery, road construction machinery, or other machinery designed by the manufacturer to operate at a speed of 25 miles per hour or less. The term does not include a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle.
- (R.C. § 4513.11)

(b) Generally.

- (1) At the times specified in R.C. § 4513.03, no person shall operate either of the following vehicles unless it is equipped with and displays the lamps described in division (b)(2) of this section:
  - A. A vehicle not specifically required to be equipped with lamps or other lighting devices by R.C. §§ 4513.03 to 4513.10;
  - B. A vehicle referred to in R.C. § 4513.02(G).
- (2) Vehicles described in division (b)(1) of this section shall be equipped with both of the following:
  - A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle;
  - B. Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two

red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlamps.

- (3) A. At the times specified in R.C. § 4513.03, no person shall operate a multi-wheel agricultural tractor model year 2001 or earlier on a street or highway unless it is equipped with and displays reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by all of the following:
  - 1. Flashing lamps displaying amber light, visible to the front and the rear. The lamps need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor.
  - 2. Amber reflectors, all visible to the front;
  - 3. Red reflectors, all visible to the rear.
- B. Rules adopted by the Ohio Director of Public Safety under R.C. § 4513.111 governing the lamps and reflectors described in division (b)(3)A. of this section and their placement correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 respectively of the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT 98, Lighting and Marking of Agricultural Equipment on Highways.
- (4) At the times specified in R.C. § 4513.03, no person shall operate a unit of farm machinery model year 2002 or later on a street or highway unless it is equipped with and displays markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT 98, lighting and marking of agricultural equipment on highways.
- (5) Any unit of farm machinery designed by its manufacturer to operate at a speed of 25 miles per hour or greater or any SMV may be equipped with and display a red flashing light that is visible from a distance of not less than 1,000 feet to the rear at all times specified in R.C. § 4513.03. When a double-faced light is used, it shall display amber light to the front and red light to the rear.
- (6) Lights and reflectors required under divisions (b)(3) and (b)(4) of this section and authorized under division (b)(5) of this section are in addition to other lights required or permitted by this division (b) or R.C. § 4513.17.
- (7) The Ohio Director of Public Safety shall adopt rules in accordance R.C. Chapter 119 Code that establish standards and specifications for lamps and reflectors required or authorized by this section. Lamps and reflectors required or authorized by this section shall meet those standards and specifications.
- (8) This division (b) does not apply to a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle.
- (9) Whoever violates this division (b) is guilty of a minor misdemeanor.  
(R.C. § 4513.111)

(c) Slow-moving Vehicles.

- (1) Except as otherwise provided in this section, no person shall operate an SMV on a street or highway as follows:
  - A. At a speed exceeding 25 miles per hour;
  - B. Without displaying the triangular SMV emblem mounted in accordance with division (c)(2) of this section.
- (2) The SMV emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. In accordance with R.C. Chapter 119, the Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for the SMV emblem correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.
- (3) A person may operate an SMV on a street or highway without displaying the triangular SMV emblem when any of the following apply:
  - A. The SMV is being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used.
  - B. The SMV is operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the Ohio Director of Transportation and the *Manual of Uniform Traffic Control Devices*, as set forth in R.C. § 4511.09.
- (4) No person shall display an SMV emblem on any of the following:
  - A. Any vehicle not required to use the SMV emblem by this division (c) or R.C. § 4513.113 or 4513.114;
  - B. An SMV being transported upon any other vehicle;
  - C. Any stationary object on the highway.
- (5) No person shall sell, lease, rent, or operate an SMV, except a unit designed to be completely mounted on a primary power unit that is manufactured or assembled on or after April 1, 1966, unless it is equipped with an SMV emblem mounting device.
- (6) Whoever violates this division (c) is guilty of a minor misdemeanor.  
(R.C. § 4513.112)

(d) Farm Machinery and Agricultural Tractors.

- (1) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour unless the unit displays both of the following:
  - A. The SMV emblem mounted in accordance with R.C. § 4513.112(B);
  - B. A speed identification symbol that does both of the following:
    1. Meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS);

2. Indicates the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate.
  - (2) No person operating a tractor on a street or highway that is designed by its manufacturer to operate at a speed greater than 25 miles per hour and that is towing, pulling, or otherwise drawing a unit of farm machinery while operating at a speed greater than 25 miles per hour shall fail to display both of the following on the unit of farm machinery:
    - A. The SMV emblem;
    - B. The speed identification symbol that matches the speed identification symbol required to be displayed on the agricultural tractor.
  - (3) No person shall operate an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour unless the person possesses documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.
  - (4) Whoever violates this division (d) is guilty of a minor misdemeanor.  
(R.C. § 4513.113)
- (e) Animal-drawn Vehicles.
- (1) Except as otherwise provided in division (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at the times specified in R.C. § 4513.03, both of the following:
    - A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the animal-drawn vehicle;
    - B. Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the animal-drawn vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.
  - (2) Except as otherwise provided in division (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at all times, all of the following:
    - A. One yellow flashing lamp displaying yellow light that is visible from a distance of not less than 1,000 feet and that is mounted in either of the following positions:
      1. On the top most portion of the rear of the animal-drawn vehicle;
      2. On the top of the animal-drawn vehicle.
    - B. At least one of the following:
      1. An SMV emblem mounted in accordance with R.C. § 4513.112(B);
      2. Micro-prism reflective tape that is visible from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps;

3. Both an SMV emblem and micro-prism reflective tape, as specified in this division.
- C. Lamps and micro-prism reflective tape required by this section shall meet standards and specifications adopted by the Ohio Director of Public Safety under R.C. § 4513.114.
- (3) The Ohio Director of Public Safety, in accordance with R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position and mounting of the lamps and micro-prism reflective tape required by R.C. § 4513.114. The rules permit the micro-prism reflective tape to be red, amber, white, or silver in color.
- (4) A. Divisions (e)(1) and (e)(2) of this section do not apply to the operator of animal-drawn agricultural equipment who is not transporting any livestock or a person other than the operator.  
B. No operator described in division (e)(4)A. of this section shall operate animal-drawn agricultural equipment unless it is equipped with and displays, at all times, the SMV emblem mounted in accordance with R.C. § 4513.112(B).  
C. As used in division (e)(4) of this section, “animal-drawn agricultural equipment” means equipment drawn by the muscular power of an animal that is used solely for agricultural purposes. “Animal-drawn agricultural equipment” includes any of the following:
  1. A plow;
  2. A manure spreader;
  3. A thresher.
- (5) Whoever violates this division (e) is guilty of a minor misdemeanor.  
(R.C. § 4513.114)

(f) Strict Liability Offenses. The offenses established under this section are strict liability offenses, and R.C. § 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.  
(R.C. § 4513.115)

#### 438.11 SPOTLIGHT AND AUXILIARY LIGHTS.

(a) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.12)

#### 438.12 COWL, FENDER AND BACK-UP LIGHTS.

(a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.

(b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.13)

#### 438.13 DISPLAY OF LIGHTED LIGHTS.

(a) At all times mentioned in Section 438.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)

(b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.

(c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.14)

#### 438.14 USE OF HEADLIGHT BEAMS.

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 438.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.15)

#### 438.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

(a) Any motor vehicle may be operated under the conditions specified in Section 438.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 438.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.16)

**438.16 NUMBER OF LIGHTS; LIMITATIONS ON FLASHING, OSCILLATING OR ROTATING LIGHTS.**

(a) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.
- (2) The prohibition in division (c)(1) of this section does not apply to any of the following:
- A. Emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash, or recyclable materials on the roadside, rural mail delivery vehicles, vehicles as provided in R.C. § 4513.182, highway maintenance vehicles, and similar equipment operated by state or local authorities, provided such vehicles are equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber light;
  - B. Vehicles or machinery permitted by R.C. § 4513.111 to have a flashing red light;
  - C. Farm machinery and vehicles escorting farm machinery, provided such machinery and vehicles are equipped with and display, when used on a street or highway, a flashing, oscillating, or rotating amber light. Farm machinery also may display the lights described in R.C. § 4513.111.
  - D. A funeral hearse or funeral escort vehicle, provided that the funeral hearse or funeral escort vehicle is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating purple or amber light.
- (3) Division (c)(1) of this section does not apply to animal-drawn vehicles subject to R.C. § 4513.114.

- (d) (1) Except a person operating a public safety vehicle, as defined in R.C. § 4511.01(E), or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light.
- (2) Except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.17)

#### 438.17 FOCUS AND AIM OF HEADLIGHTS.

(a) No person shall use any lights mentioned in Section 438.02 to 438.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(b) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108. No person shall operate a motor vehicle in violation of this subsection.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.19)

#### 438.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

(a) The following requirements govern as to brake equipment on vehicles:

- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any



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



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

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

#### 612.07 OPEN CONTAINER PROHIBITED.

(a) As used in this section:

- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
- (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.

(b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

- (1) In a State liquor store;
- (2) Except as provided in division (c) or (j) of this section, on the premises of the holder of any permit issued by the Division of Liquor Control;
- (3) In any other public place;
- (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
- (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

(c) (1) A person may have in the person's possession an opened container of any of the following:

- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2(f), A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D8, E, F, F-2, F-5, F-7 or F-8 permit;
  - B. Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
  - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
  - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
  - E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.
- (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music

festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

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

- (2) Has an indoor sales floor area of not less than twenty-two thousand square feet;
  - (3) Hosts a farmer's market on each Saturday from April through December.
- (h) (1) As used in this section, "alcoholic beverage" has the same meaning as in R.C. § 4303.185.
- (2) An alcoholic beverage in a closed container being transported under R.C. § 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.
- (i) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in R.C. § 4303.181(D)(2)(a)(iii), when both of the following apply:
- (1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and
  - (2) The consumption is authorized under R.C. § 4303.181(D)(2)(a).
- (j) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with R.C. § 4301.201(E). (R.C. § 4301.62)
- (k) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4301.99(A))

#### 612.08 ALLOWING MINORS TO DRINK ON PREMISES.

(a) No person being the owner or occupant of any premises located within the Municipality, except the holder of a permit issued by the Department of Liquor Control and in force at the time, shall knowingly allow any person under the age of twenty-one years to remain on such premises while in the possession of intoxicating liquor or while consuming intoxicating liquor, or knowingly allow any person under the age of nineteen years to remain on such premises while in the possession of beer or while consuming beer, in violation of this section.

(b) No person being the parent or legal guardian of a minor shall knowingly permit such individual under nineteen years of age to violate any provision of this section.

(c) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree, except that a juvenile offender under the age of eighteen years shall be proceeded against as may be appropriate under Ohio R.C. Chapter 2151.

(d) EDITOR'S NOTE: This section was passed by the voters of South Russell on November 4, 1986, pursuant to an initiative petition.

#### 612.09 HOURS OF SALE OR CONSUMPTION.

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

(b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-1c, A-2, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, G or I permit holder:

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

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

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

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

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

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

**612.99 PENALTY.**

(EDITOR'S NOTE: See Section 698.02 for penalties applicable to any misdemeanor classification.)

## CHAPTER 620 Drugs

620.01	Definitions.	620.10	Hypodermic possession, display and dispensing.
620.02	Gift of marihuana.	620.11	Harmful intoxicants; possessing nitrous oxide in motor vehicle.
620.03	Drug abuse; controlled substance possession or use.	620.12	Drug paraphernalia.
620.04	Possessing drug abuse instruments.	620.121	Marihuana drug paraphernalia.
620.05	Permitting drug abuse.	620.13	Counterfeit controlled substances.
620.06	Illegal cultivation of marihuana.	620.14	Offender may be required to pay for controlled substance tests.
620.07	Possessing or using harmful intoxicants.	620.15	Sale of dextromethorphan.
620.08	Illegally dispensing drug samples.	620.99	Penalty.
620.09	Controlled substance or prescription labels.		

### CROSS REFERENCES

See sectional histories for similar State law

Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19

Analysis report and notarized statement as evidence - see Ohio R.C. 2925.51

Criteria for granting probation - see Ohio R.C. 3719.70(B)

Adulterating food with drug of abuse - see GEN. OFF. 636.13

Using weapons while under the influence - see GEN. OFF. 672.03.

### 620.01 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.

- (a) "Administer." Has the same meaning as in R.C. § 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in R.C. § 3715.63.
- (c) "Alcohol and drug addiction services." Has the same meaning as in R.C. § 5119.01.
- (d) "Bulk amount." Of a controlled substance, means any of the following:
  - (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (2), (5), or (6) of this definition, whichever of the following is applicable:
    - A. An amount equal to or exceeding ten grams or 25 unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

- B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
  - C. An amount equal to or exceeding 30 grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
  - D. An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
  - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
  - F. An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
  - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws;
- (2) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
  - (3) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
  - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;
  - (5) An amount equal to or exceeding 200 solid dosage units, 16 grams, or 16 milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;
  - (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of R.C. § 2925.11 and the sentencing provisions set



forth in R.C. § 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.

- (e) “Certified grievance committee.” A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.
- (f) “Cocaine.” Any of the following:
  - (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
  - (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
  - (3) A salt, compound, derivative or preparation of a substance identified in division (1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (g) “Committed in the vicinity of a juvenile.” An offense is “committed in the vicinity of a juvenile” if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (h) “Committed in the vicinity of a school.” An offense is “committed in the vicinity of a school” if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.
- (i) “Committed in the vicinity of a substance addiction services provider or a recovering addict.” An offense is “committed in the vicinity of a substance addiction services provider or a recovering addict” if either of the following apply:
  - (1) 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.
  - (2) 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.
- (j) “Controlled substance.” Has the same meaning as in R.C. § 3719.01.
- (k) “Controlled substance analog.” Has the same meaning as in R.C. § 3719.01.

- (l) "Counterfeit controlled substance." Any of the following:
  - (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.
  - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.
  - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
  - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (m) "Cultivate." Includes planting, watering, fertilizing or tilling.
- (n) "Dangerous drug." Has the same meaning as in R.C. § 4729.01.
- (o) "Deception." Has the same meaning as in R.C. § 2913.01.
- (p) "Disciplinary counsel." The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
- (q) "Dispense." Has the same meaning as in R.C. § 3719.01.
- (r) "Distribute." Has the same meaning as in R.C. § 3719.01.
- (s) "Drug." Has the same meaning as in R.C. § 4729.01.
- (t) "Drug abuse offense." Any of the following:
  - (1) A violation of R.C. § 2913.02(A) that constitutes theft of drugs, or any violation of R.C. § 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
  - (2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in division (1) of this definition.
  - (3) An offense under an existing or former law of 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.
  - (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under division (1), (2) or (3) of this definition.
- (u) "Drug dependent person." Has the same meaning as in R.C. § 3719.011.
- (v) "Drug of abuse." Has the same meaning as in R.C. § 3719.011.
- (w) "Felony drug abuse offense." Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.
- (x) "Fentanyl-related compound." Any of the following:
  - (1) Fentanyl;
  - (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
  - (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)-N-phenylpropanamide];
  - (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-phenylpropanamide);
  - (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-phenylpropanamide);
  - (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-phenylpropanamide);
  - (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;
  - (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;
  - (10) Alfentanil;
  - (11) Carfentanil;
  - (12) Remifentanil;
  - (13) Sufentanil;
  - (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and
  - (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:
    - A. A chemical scaffold consisting of both of the following:
      - 1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;
      - 2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
    - B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;
    - C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
    - D. The compound has not been approved for medical use by the United States food and drug administration.
- (y) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:
- (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:
    - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.
    - B. Any aerosol propellant.
    - C. Any fluorocarbon refrigerant.
    - D. Any anesthetic gas.
  - (2) Gamma Butyrolactone;
  - (3) 1,4 Butanediol.

- (z) “Hashish.”
  - (1) A resin or a preparation of a resin to which both of the following apply:
    - A. It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
    - B. It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
  - (2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under R.C. § 928.03.
- (aa) “Hypodermic.” Has the same meaning as in R.C. § 3719.01.
- (bb) “Juvenile.” A person under 18 years of age.
- (cc) “Licensed health professional authorized to prescribe drugs.” Has the same meaning as in R.C. § 4729.01.
- (dd) “L.S.D.” Lysergic acid diethylamide.
- (ee) “Major drug offender.” Has the same meaning as in R.C. § 2929.01.
- (ff) “Mandatory prison term.” Has the same meaning as in R.C. § 2929.01.
- (gg) “Manufacture.” To plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (hh) “Manufacturer.” Has the same meaning as in R.C. § 3719.01.
- (ii) “Marihuana.” Has the same meaning as in R.C. § 3719.01, except that it does not include hashish.
- (jj) “Methamphetamine.” Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
- (kk) “Minor drug possession offense.” Either of the following:
  - (1) A violation of R.C. § 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
  - (2) A violation of R.C. § 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- (ll) “Official written order.” Has the same meaning as in R.C. § 3719.01.
- (mm) “Person.” Has the same meaning as in R.C. § 3719.01.
- (nn) “Pharmacist.” Has the same meaning as in R.C. § 3719.01.
- (oo) “Pharmacy.” Has the same meaning as in R.C. § 3719.01.
- (pp) “Possess” or “possession.” Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (qq) “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.
- (rr) “Prescription.” Has the same meaning as in R.C. § 4729.01.
- (ss) “Presumption for a prison term” or “presumption that a prison term shall be imposed.” A presumption as described in R.C. § 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under R.C. § 2929.11.

- (tt) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in R.C. § 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (uu) "Professionally licensed person." Any of the following:
- (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
  - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under R.C. Chapter 4703;
  - (3) A person who is registered as a landscape architect under R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
  - (4) A person licensed under R.C. Chapter 4707;
  - (5) A person who has been issued a certificate of registration as a registered barber under R.C. Chapter 4709;
  - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of R.C. Chapter 4710;
  - (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under R.C. Chapter 4713;
  - (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under R.C. Chapter 4715;
  - (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under R.C. Chapter 4717;
  - (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under R.C. Chapter 4723;
  - (11) A person who has been licensed to practice optometry or to engage in optical dispensing under R.C. Chapter 4725;
  - (12) A person licensed to act as a pawnbroker under R.C. Chapter 4727;
  - (13) A person licensed to act as a precious metals dealer under R.C. Chapter 4728;
  - (14) A person licensed under R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;
  - (15) A person licensed under R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
  - (16) A person who is authorized to practice as a physician assistant under R.C. Chapter 4730;

- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist or school psychologist under R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under R.C. Chapter 4736;
- (23) A person licensed to operate or maintain a junkyard under R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under R.C. Chapter 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under R.C. Chapter 4763;
- (36) A person who has been issued a home inspector license under R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in R.C. § 3719.01.



- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in R.C. § 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
  - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
  - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance addiction services provider." Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
  - (1) 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;
  - (2) 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 Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.
- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
- (fff) "Wholesaler." Has the same meaning as in R.C. § 3719.01.  
(R.C. § 2925.01)

## 620.02 GIFT OF MARIHUANA.

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

(b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(c) The court may by order suspend for not more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar 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 in accordance with Ohio R.C. 2925.03(G). If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension. (ORC 2925.03)



- (2) Subsection (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 Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.

- (f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
- (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
- (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
- (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.14)

#### 620.121 MARIHUANA DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" has the same meaning as in Section 620.12.

(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, all factors identified in subsection (b) of Section 620.12.

(c) 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.

(d) This section does not apply to any person identified in subsection (d)(1) of Section 620.12 and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 620.10.

(e) Subsection (e) of Section 620.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(f) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.141)

#### 620.13 COUNTERFEIT CONTROLLED SUBSTANCES.

(a) No person shall knowingly possess any counterfeit controlled substance.

(b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (ORC 2925.37)

(c) The court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.37)

#### 620.14 OFFENDER MAY BE REQUIRED TO PAY FOR CONTROLLED SUBSTANCE TESTS.

In addition to the financial sanctions authorized or required under Ohio R.C. 2929.18 and 2929.28 and to any costs otherwise authorized or required under any provision of law, the court imposing sentence upon an offender who is convicted of or pleads guilty to a drug abuse offense may order the offender to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in having tests performed under Ohio R.C. 2925.51, or in any other manner on any substance that was the basis of, or involved in, the offense to determine whether the substance contained any amount of a controlled substance if the results of the tests indicate that the substance tested contained any controlled substance. No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

The court shall hold a hearing to determine the amount of costs to be imposed under this section. The court may hold the hearing as part of the sentencing hearing for the offender. (ORC 2925.511)

#### 620.15 SALE OF DEXTROMETHORPHAN.

(a) As used in this section:

- (1) **Dextromethorphan.** Means the dextrorotatory isomer of 3-methoxy-N-methylmorphinan, including its salts, but not including its racemic or levorotatory forms.
- (2) **"Evidence of majority and identity."** Means a document issued by the federal government or a state, county, or municipal government, or a subdivision or agency of any of the foregoing, including a driver's or commercial driver's license, an identification card issued under R.C. §§ 4507.50 to 4507.52, a military identification card, or any other form of identification that bears the name, date of birth, description, and picture of the person identified.
- (3) **"Retailer."** Means a place of business that offers consumer products for sale to the general public, including a terminal distributor of dangerous drugs that is licensed under R.C. Chapter 4729 and operated as a pharmacy.

(b) No retailer or employee of a retailer shall knowingly supply, deliver, give, or otherwise provide a drug, material, compound, mixture, preparation, or substance containing any quantity of dextromethorphan through the sale of any product to a person under 18 years of age, unless the person has been issued a prescription for the product being purchased.

(c) For purposes of division (b) of this section, the person making the sale of a product containing dextromethorphan shall require and obtain evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be 25 years of age or older. Proof that the person making the sale demanded, was shown, and acted in reasonable reliance on the purchaser's evidence of majority and identity is a defense to any charge of a violation of division (b) of this section.

(d) A retailer or employee of a retailer is not liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with a failure to prevent the sale of a product containing dextromethorphan to a person under 18 years of age, unless the act or omission constitutes willful or wanton misconduct.

(e) Whoever violates division (b) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor.  
(R.C. § 2925.62)

#### 620.99 PENALTY.

(EDITOR'S NOTE: See Section 606.99 for penalties applicable to any misdemeanor classification.)



660.14 MUD, DEBRIS AND LITTER UPON STREETS.

(a) No general contractor engaged in residential or commercial building in the Village shall permit mud, litter or debris by reason of such construction, to remain on any street. (Ord. 1995-10. Passed 2-13-95.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

660.15 DUMPING OF REFUSE.

(a) No person shall dump, cause to be dumped or permit to be dumped on any publicly or privately owned land or water in the Village, any paper, brush, rubbish, tin cans, vegetation, garbage or refuse of any kind, without first having obtained a written permit from the Mayor to do so. The Mayor shall issue a permit to dump designated materials where it appears that filling of the land is necessary and that the material deposited will be immediately covered with earth, or will not be objectionable to the residents of the neighborhood, or injurious to health. (Ord. 1968-9. Passed 6-24-68.)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

#### 660.16 UNCLEAN PREMISES.

(a) No owner, occupant or person in charge of any lot or parcel of ground shall cause or permit water to accumulate thereon and become stagnant, permit culverts, drains or natural watercourses thereon to become obstructed, or cause or permit any putrid or unsanitary substance to accumulate thereon. (Ord. 1968-9. Passed 6-24-68.)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

#### 660.17 JUNK AND JUNK VEHICLES.

(a) Definitions as used in this section:

- (1) "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.
- (2) "Property" means any real property within the Municipality which is not a street or highway.
- (3) "Automobile parts" means and includes any portion or part of any vehicle as detached from the vehicle as a whole.
- (4) "Scrap metal" means and includes pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its originally intended purpose.
- (5) "Junk" means scrap metal, together with any other type of metal and also salvaged rope, bags, paper, rags, glass or rubber or any other material attached thereto and similar or related articles or property.
- (6) "Disabled vehicle" means any motor vehicle which is incapable of being operated or propelled by the vehicle's own power.
- (7) "Unlicensed vehicle" means any motor vehicle which is not registered for and carrying a current license for use on public streets and highways.

(b) Outside Storage of Unlicensed or Disabled Motor Vehicles. No person shall store or permit to be stored, for a period of more than ten days, any unlicensed or disabled vehicle on any property within the municipality, unless the same is within a completely enclosed building or garage. Such ten-day period shall be deemed to run on the date that such person has been notified in writing by the Mayor, his agent, the Village Police Department, or agents thereof, that such vehicle is being stored in violation of this section. Whenever, in the opinion of the Building Inspector, the Zoning Inspector, or the Chief of Police, a person has regularly attempted to avoid compliance with this restriction, which attempts include but are not limited to temporarily

removing from the property any unlicensed or disabled vehicle and then promptly returning such unlicensed or disabled vehicle to the property, the Village may treat such unlicensed or disabled vehicle as if stored for more than ten days in violation of this section.

(c) Leaving of Automobile Parts, Scrap Metal or Junk on Property Within the Municipality. No person in charge of or in control of any property within the Municipality, whether as owner, tenant, occupant, lessee or otherwise, shall allow any automobile parts, scrap metal or junk to remain on such property longer than ten days after receipt of a written notice from the police to remove such automobile parts, scrap metal or junk from such property, except that this subsection shall not apply with regard to such automobile parts, scrap metal or junk in an enclosed building or in other sheds or enclosures specially designed for the purpose of storage of such material unless the same should become a nuisance.

(d) Storage of Automobile Parts, Scrap Metal and Junk in Buildings or Enclosures Which Becomes a Nuisance. When, in the opinion of the Chief of Police, the storage of automobile parts, scrap metal or junk in any building or specially designed enclosure within the Municipality has become a nuisance by reason of such building or enclosure also harboring rats, roaches or other vermin, or is a nuisance by reason of danger from fire or entry therein by juveniles or suspicious persons, or because of repeated complaints by residents of the Municipality in the surrounding area, the Chief of Police or any member of his Department designated by him, shall give notice to the person in charge of or in control of such property to the effect that such building or enclosure has become a nuisance.

No person in charge of or in control of any property within the Municipality, whether as owner, tenant, occupant, lessee or otherwise, shall allow any automobile parts, scrap metal or junk or any junked vehicle to remain in any building or enclosure within the Municipality longer than thirty days after receipt of a written notice from the Chief of Police or any member of his Department designated by him to the effect that such building or enclosure has become a nuisance.

If any such person served with the notice as provided in this subsection fails to cause such violation to cease within thirty days of the date upon which the notice provided above was issued, he shall be subject to the penalty provided in subsection (g) hereof and a separate offense shall be deemed committed upon each day during or on which the violation occurred or continues beyond such thirty-day period. In such cases, no additional notice of violation is required to be given.

(e) Form of Notice. Notices under this section shall be in writing and shall be served upon the person in charge of or in control of such property within the Municipality, whether as owner, tenant, occupant, lessee or otherwise, either personally or at the usual place of residence of such person in charge of or in control of such property, or by registered or certified mail, addressed to such person's last known place of residence.

(f) Exception; Building Materials for Own Use. Notwithstanding the provisions stated above in this section, it shall not be unlawful for any person in charge of or in control of any property within the Municipality to purchase new or used building materials and to place or store them in any lot, lots, parts of lots or parcel of land within the Municipality when such materials are to be used by the purchaser or person in charge of or in control of such property in later construction on the same lot or any lot owned or controlled by such person, provided that such

materials do not remain on such lot, lots, parts of lots or parcel of land for a period of more than thirty days, unless actual construction or erection planned for the use of such materials has commenced and continues unabated daily, and provided further that such materials are actually used or consumed in the construction on such premises or removed from such premises within a period of four months from the time such materials are first placed on the lot, lots, parts of lots or parcel of land. No person shall move any materials so stored or placed to another location within the Municipality for the purpose of avoiding the intent of this section, except that any such materials may be moved to another lot, lots, parts of lots or parcel of land when the same has been sold to a bona fide purchaser for value for such purchaser's own use. (Ord. 1967-7. Passed 7-11-67.)

(g) Whoever violates any of the provisions of this section is guilty of a third degree misdemeanor. Punishment shall be as provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 1985-18. Passed 2-11-85; Ord. 2022-54. Passed 6-13-22.)

#### 660.18 ELECTRIC FENCES.

(a) No fence on property of five acres or less shall be caused to transmit electricity or constructed in such a manner as to make it possible for the transmission of electricity for any purpose whatsoever. This section is applicable to present fences and no person, upon receipt of notice to correct the violation within a time specified by the Mayor, shall fail to correct such violation within such time.

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

#### 660.19 WATER POLLUTION; REMEDIES.

(a) "Waters of the Village" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, which are situated wholly or partly within or border upon the Village, or are within its jurisdiction.

(b) Pollution or contamination as used herein means the placing of any sewage, industrial waste, gas, oil, brine, or any other pollutant or toxic pollutant as defined in the Federal Water Pollution Control Act or other wastes as presently defined in Ohio R.C. 6111.01 in any waters of the Village. Pollution or contamination shall not include the storage of road salt by the Village and the application of road salt by the Village or the State on the public roads within the Village.

(c) "Person" means the State, any municipal corporation, political subdivision of the State, person as defined in Section 402.24, interstate body created by compact, or the Federal government or any department, agency or instrumentality thereof.



- (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;
  - (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
  - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (1)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
  - (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.
  - (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.921(a)(4), as amended, and regulations issued under that Act.
  - (7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks", as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80, and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.
- (n) (1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to subsection (n)(2) of this section, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (2) A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed

handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

- (o) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this State in which the license was issued, and that has not been revoked under division (B)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213 or under a revocation provision of the state other than this State in which the license was issued.
- (p) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:
  - (1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices;
  - (2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.
- (q) "Alien registration number" means the number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".
- (r) "Active duty" has the same meaning as defined in 10 U.S.C. 101.  
(ORC 2923.11)

#### 672.02 CARRYING CONCEALED WEAPONS.

(a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(b) No person who has been issued a concealed handgun license, shall do any of the following:

- (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then is carrying a concealed handgun, provided that it is not a violation of this division

- if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;
- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
  - (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (c) (1) This section does not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;
  - B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.
  - C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;
  - D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.
- (2) Division (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), unless the person knowingly is in a place described in R.C. § 2923.126(B).

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

- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.
  - (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.
  - (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.
- (e)
  - (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.
  - (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (b)(1) of this section as it existed prior to June 13, 2022, the person may file an application under R.C. § 2953.37 requesting the expungement of the record of conviction.
- (f)
  - (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.
  - (2) A person shall not be arrested for a violation of division (a)(2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of division (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:

- A. The offender shall be guilty of a minor misdemeanor if both of the following apply:
    - 1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
    - 2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
  - B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
    - 1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.
    - 2. Within forty-five days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
    - 3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
  - C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.
- (3) Carrying concealed weapons in violation of division (b)(1) of this section is a misdemeanor of the second degree.
  - (4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
  - (5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall

issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

- A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
  - B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:
- A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;
  - B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;
  - C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;
  - D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

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

(h) For purposes of this section, “deadly weapon” or “weapon” does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.  
(R.C. § 2923.12)

672.03 USING WEAPONS WHILE INTOXICATED.

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

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (ORC 2923.15; Ord. 1973-21. Passed 12-10-73.)

672.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(b) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

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

- (1) In a closed package, box or case.
- (2) In a compartment that can be reached only by leaving the vehicle.
- (3) In plain sight and secured in a rack or holder made for the purpose.
- (4) If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(d) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

- (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- (2) The person’s whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in R.C. § 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle.

(e) No person who has been issued a concealed handgun license or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card

and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in R.C. § 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

- (1) Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;
  - (2) Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;
  - (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
  - (4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.
  - (5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including but not limited to a specific order to the person to keep the person's hands in plain sight.
- (f) (1) Divisions (a), (b), (c) and (e) of this section do not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
  - B. Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (f)(1)B. does not apply to the person.



- (2) Division (a) of this section does not apply to a person if all of the following circumstances apply:
- A. The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the Chief of the Division of Wildlife of the Department of Natural Resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.
  - B. The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that is either zoned for agriculture or is used for agriculture.
  - C. The person owns the real property described in division (f)(2)B. of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.
  - D. The person does not discharge the firearm in any of the following manners:
    - 1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
    - 2. In the direction of a street, highway or other public or private property used by the public for vehicular traffic or parking;
    - 3. At or into an occupied structure that is a permanent or temporary habitation;
    - 4. In the commission of any violation of law, including but not limited to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.
- (3) Division (a) of this section does not apply to a person if all of the following apply:
- A. The person possesses a valid all-purpose vehicle permit issued under R.C. § 1533.103 by the Chief of the Division of Wildlife.
  - B. The person discharges a firearm at a wild quadruped or game bird as defined in R.C. § 1531.01 during the open hunting season for the applicable wild quadruped or game bird.
  - C. The person discharges a firearm from a stationary all-purpose vehicle as defined in R.C. § 1531.01 from private or publicly owned lands or from a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.
  - D. The person does not discharge the firearm in any of the following manners:
    - 1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
    - 2. In the direction of a street, a highway or other public or private property that is used by the public for vehicular traffic or parking;
    - 3. At or into an occupied structure that is a permanent or temporary habitation;

4. In the commission of any violation of law, including but not limited to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.
- (4) Divisions (b) and (c) of this section do not apply to a person if all of the following circumstances apply:
  - A. At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle.
  - B. The motor vehicle is on real property that is located in an unincorporated area of a township and that is either zoned for agriculture or is used for agriculture.
  - C. The person owns the real property described in division (f)(4)B. of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.
  - D. The person, prior to arriving at the real property described in division (f)(4)B. of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (b) or (c) of this section while the motor vehicle was being operated on a street, highway or other public or private property used by the public for vehicular traffic or parking.
- (5) Divisions (b) and (c) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
  - A. The person transporting or possessing the handgun has been issued a concealed handgun license that is valid at the time in question or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).
  - B. The person transporting or possessing the handgun is not knowingly in a place described in R.C. § 2923.126(B).
- (6) Divisions (b) and (c) of this section do not apply to a person if all of the following apply:
  - A. The person possesses a valid all-purpose vehicle permit issued under R.C. § 1533.103 by the Chief of the Division of Wildlife.
  - B. The person is on or in an all-purpose vehicle as defined in R.C. § 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.
  - C. The person is on or in an all-purpose vehicle as defined in R.C. § 1531.01 on private or publicly owned lands or on or in a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

- (g) (1) The affirmative defenses authorized in R.C. § 2923.12(D)(1) and (D)(2) are affirmative defenses to a charge under division (b) or (c) of this section that involves a firearm other than a handgun.
- (2) It is an affirmative defense to a charge under division (b) or (c) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by division (b) or (c) of this section while the motor vehicle was being operated on a street, highway or other public or private property used by the public for vehicular traffic.
- (h) (1) No person who is charged with a violation of division (b), (c) or (d) of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.
- (2) A. If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (e) of this section as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of division (e) of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (e)(1) or (e)(2) of this section as it existed prior to June 13, 2022, the person may file an application under R.C. § 2953.37 requesting the expungement of the record of conviction.
- B. If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (b) or (c) of this section as the division existed prior to September 30, 2011 and if the conduct that was the basis of the violation no longer would be a violation of division (b) or (c) of this section on or after September 30, 2011 due to the application of division (f)(5) of this section as it exists on and after September 30, 2011, the person may file an application under R.C. § 2953.37 requesting the expungement of the record of conviction.
- (i) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. A violation of division (a) of this section is a felony to be prosecuted under appropriate state law. A violation of division (c) of this section is a misdemeanor of the fourth degree. A violation of division (d) of this section is a felony to be prosecuted under appropriate state law and, if the loaded handgun is concealed on the person's person, it is also a felony to be prosecuted under appropriate state law. A violation of division (e)(1) or (e)(2) of this section is a misdemeanor of the second degree. A violation of division (e)(4) of this section is a felony to be prosecuted under appropriate state law. A violation of division (e)(3) or (e)(5) of this section is a misdemeanor

of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (e)(3) or (e)(5) of this section or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (e)(3) or (e)(5) of this section, the offender's concealed handgun license shall be suspended pursuant to R.C. § 2923.128(A)(2). A violation of division (b) of this section is a felony to be prosecuted under appropriate state law.

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

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

- (1) "Agriculture." Has the same meaning as in R.C. § 519.01.
- (2) "Commercial motor vehicle." Has the same meaning as in R.C. § 4506.25(A).
- (3) "Motor carrier enforcement unit." The Motor Carrier Enforcement Unit in the Department of Public Safety, Division of State Highway Patrol, that is created by R.C. § 5503.34.
- (4) "Motor vehicle," "street" and "highway." Have the same meaning as in R.C. § 4511.01.
- (5) "Occupied structure." Has the same meaning as in R.C. § 2909.01.
- (6) "Tenant." Has the same meaning as in R.C. § 1531.01.
- (7) "Unloaded."

A. With respect to a firearm other than a firearm described in division D. of this definition, means that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm, and one of the following applies:

1. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.
2. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

B. For the purposes of division A.2. of this definition, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

1. A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;
  2. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
- C. For the purposes of divisions A. and B. of this definition, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
- D. “Unloaded” means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(l) Divisions A. and B. of the definition of “unloaded” in division (k) of this section do not affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who has been issued a concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.

(R.C. § 2923.16)

#### 672.05 UNLAWFUL POSSESSION OF DANGEROUS ORDNANCE. (REPEALED)

(EDITOR'S NOTE: Section 672.05 (Ohio R.C. 2923.17) was made a felony by the Ohio General Assembly, effective August 22, 1978.)

#### 672.06 IMMUNITY FROM PROSECUTION. (REPEALED)

(EDITOR'S NOTE: Section 672.06 was repealed by implication by the repeal of Section 672.05, which was made a felony by the Ohio General Assembly, effective August 22, 1978.)

**672.07 LICENSE OR PERMIT TO POSSESS DANGEROUS ORDNANCE.**

(a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:

- (1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;
- (2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes on lands farmed by them.
- (3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;
- (4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;
- (5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose. (A.O.)

(b) Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief of the Municipality. The application shall be accompanied by an application fee of seventy-five dollars (\$75.00) when the application is for a license, and an application fee of fifty dollars (\$50.00) when the application is for a temporary permit. The fees shall be paid onto the General Fund of the Municipality. The application shall contain the following information:

- (1) The name, age, address, occupation and business address of the applicant, if he is a natural person, or the name, address and principal place of business of the applicant, if the applicant is a corporation;  
(Ord. 1986-10. Passed 1-27-86.)
- (2) A description of the dangerous ordnance for which a permit is requested;
- (3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried and used;
- (4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried or used;
- (5) Such other information as the Safety Director or Police Chief may require in giving effect to this section.

(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

- (1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

- (2) The applicant is age twenty-one or over, if he is a natural person;
- (3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property;
- (4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(d) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and ensure the safety of persons and property. (ORC 2923.18)

(e) A temporary permit shall be issued for the use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within six months of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any non-combustible dangerous ordnance, which license need not specify an expiration date, but the Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued. Use of explosives and/or other dangerous ordnance for blasting are subject to the provisions of Section 672.16 herein.  
(Ord. 1992-39. Passed 7-13-92.)

(f) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.

(g) The issuing authority shall forward to the State Fire Marshal a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in a dangerous ordnance and of each report of a lost or stolen dangerous ordnance, given to the local law enforcement authority as required by R.C. § 2923.20(A)(6) and (A)(7) or a substantially equivalent municipal ordinance. The State Fire Marshal will keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of a dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.  
(ORC 2923.18)

#### 672.08 FAILURE TO SECURE DANGEROUS ORDNANCE.

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

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

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. Punishment shall be as provided in Section 698.02. (ORC 2923.19; Ord. 1973-21. Passed 12-10-73.)



- (6) Air blast effects. No air blast shall exceed the maximum limits of 133 decibels at no more than two Hertz flat response at any dwelling, public or commercial building, school, church or community or institutional building. All air blast measuring systems shall have at least a flat frequency response range from two Hertz to 200 Hertz.
  - (7) Fly rock control. "Fly rock" shall be considered as any rock, mud and/or debris which may travel the air or along the ground as a result of blasting. Fly rock shall be controlled by the permit holder by the use of approved blasting matting in such a manner so as to prevent "fly rock" from occurring as a result of any blast.
- (g) Surveillance of Blasting.
- (1) The contractor shall employ a qualified blasting seismologist (such as Geosonics, Vibra-Tech, etc.), subject to the approval in writing of the Building Inspector or his/her designee, with at least five years practical experience in seismological measuring, to conduct seismological surveillance of all blasting operations in the Municipality. The seismologist shall keep daily records of all blasting activities for a period of not less than three years.
  - (2) The seismologist will report any violation of this section immediately to the Building Inspector or his/her designee. Upon the violation of any provision of this section, the Building Inspector or his/her designee may cause the immediate revocation of the blasting permit.
  - (3) The violation of any provision of this chapter shall constitute a forfeiture of any prepaid permit fees or refundable permit fees due the permit holder. Whoever violates the provisions of this section regulating blasting, upon conviction thereof, shall be deemed guilty of a misdemeanor and fined in an amount not exceeding one thousand dollars (\$1,000) for each offense. In the event any permittee or licensee violates the standards as herein established on more than three separate occasions, as reported by the seismologist, the Building Inspector or his/her designee, shall have authority to take any appropriate action, including but not limited to the following: revoke any and all outstanding blasting permits granted to the benefit of the permittee, licensee or any other individual and/or entity acting through and/or on behalf of the permittee and/or licensee; and to pursue any civil remedy, be it injunctive relief, damages or otherwise, which the Building Inspector deems appropriate.
  - (4) The seismologist shall issue written reports on each and every blasting event to the Building Inspector or his/her designee and the permit holder, licensee and/or contractor, which reports shall include comments upon compliance with regulations and standards herein established. These reports shall be filed with the Building Inspector or his/her designee within twenty-four hours after each blasting event, or at the latest, prior to the next blasting event if same occurs prior to the expiration of twenty-four hours. These written reports shall contain the following information:
    - A. The name of the firm and/or individual conducting the blast;
    - B. The location, date and time of the blast;
    - C. The name and signature of the qualified blaster conducting the blast;

- D. A report of weather conditions, including temperature, wind direction and velocity, etc;
- E. A description of the type of material blasted;
- F. The number, diameter and depth of blast holes;
- G. The type of, identity of manufacturer of, and amount of, explosives used;
- H. The total weight of explosives used;
- I. The weight of the explosives per hole;
- J. The maximum weight of explosives detonated within any eight millisecond period;
- K. The type of initiation or detonation system used;
- L. The delay pattern, including the actual firing time of each hole;
- M. A sketch, in reasonable detail, of the blast pattern showing all holes, delay patterns, previously blasted material and an indication of north;
- N. At the completion on the blasting operation, a final map, in reasonable detail, of the permit area, showing the location of each blast, and identifying each location with the date, time and other pertinent information concerning each blast;
- O. Seismographic and air blast records, including the following:
  - 1. The type of instrument, sensitivity, and calibration signal of the device. Also, a certification that the equipment has been calibrated with, within the past year, along with a written indication showing any and all calibrations done within the past year, and the results of those calibrations;
  - 2. The exact sensing location of the measuring instrument, along with an indication of the date, time and place from the blast;
  - 3. A report describing the electronic analysis of frequency vs. particle velocity. This is to be in a format which would demonstrate compliance with the graph which is part of this chapter (Modified Figure B-1, Bureau of Mines, RI 8507);
  - 4. An air blast levels report; and
  - 5. The name of the person and/or firm analyzing the seismographic record.

(h) Penalty. Whoever violates any provision of this section regulating blasting, upon conviction thereof shall be fined not more than one thousand dollars (\$1,000) for each offense. Each separate violation shall be deemed to constitute a separate offense. In the event any permittee or licensee violates the safety standards as herein established on more than three separate occasions, the Building Inspector shall have the authority to refuse to issue any further permits to such permittee or licensee any subsequent time and to pursue such authority with injunctive remedies if necessary.

(Ord. 1992-39. Passed 7-13-92.)

#### 672.17 POSSESSING REPLICA FIREARM IN SCHOOL.

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

- (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
  - (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.
- (b) (1) This section does not apply to any of the following:
- A. An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties;
  - B. A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance;
  - C. A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment;
  - D.
    1. Any person not described in divisions (b)(1)A. to (b)(1)C. of this section who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, provided both of the following apply:
      - a. Either the person has successfully completed the curriculum, instruction, and training established under R.C. § 5502.703, or the person has received a certificate of having satisfactorily completed an approved basic peace officer training program or is a law enforcement officer;
      - b. The board or governing body has notified the public, by whatever means the affected school regularly communicates with the public, that the board or governing body has authorized one or more persons to go armed within a school operated by the board or governing authority.
    2. A district board or school governing body that authorizes a person under division (b)(1)D. of this section shall require that person to submit to an annual criminal records check conducted in the same manner as R.C. § 3319.39 or R.C. § 3319.391.
  - E. Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in division (b)(1)E. of this section does not apply to the person.
- (2) This section does not apply to premises upon which home schooling is conducted. This section also does not apply to a school administrator, teacher or employee who possesses an object that is indistinguishable from a firearm for legitimate

school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher or employee, or any other person who, with the express prior approval of a school administrator, possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.

- (3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:
  - A. The person does not enter into a school building or onto school premises and is not at a school activity.
  - B. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).
  - C. The person is in the school safety zone in accordance with 18 U.S.C. § 922(q)(2)(B).
  - D. The person is not knowingly in a place described in R.C. § 2923.126(B)(1) or (B)(3) to (B)(8).
- (4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:
  - A. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).
  - B. The person leaves the handgun in a motor vehicle.
  - C. The handgun does not leave the motor vehicle.
  - D. If the person exits the motor vehicle, the person locks the motor vehicle.

(c) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate state law.

- (d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to division (d)(2) of this section, if the offender has not attained 19 years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under R.C. § 3301.07, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit or probationary commercial driver's license that then is in effect from the range specified in R.C. § 4510.02(A)(4) and shall deny the offender the issuance of any permit or license of that type during the period of the suspension. If the offender is not a resident of this state, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in R.C. § 4510.02(A)(4).
- (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in division (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in division (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in division (d)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(e) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

(R.C. § 2923.122(C) - (G))

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

- (a) No person shall do either of the following:
  - (1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark or identification on a firearm.
  - (2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this subsection, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(1) of this section, defacing identification marks of a firearm is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this subsection, possessing a defaced

firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, possessing a defaced firearm is a felony and shall be prosecuted under appropriate State law.

(ORC 2923.201)

## APPENDIX A: ZONING CODE

CHAPTER 1: GENERAL PROVISIONS.  
 CHAPTER 2: DEFINITIONS.  
 CHAPTER 3: ADMINISTRATION.  
 CHAPTER 4: RESIDENTIAL DISTRICTS.  
 CHAPTER 5: BUSINESS DISTRICTS.  
 CHAPTER 6: INDUSTRIAL DISTRICTS.  
 CHAPTER 7: CONDITIONAL USE REGULATIONS.  
 CHAPTER 8: PARKING & LOADING REGULATIONS.  
 CHAPTER 9: SIGN REGULATIONS.  
 CHAPTER 10: DEVELOPMENT REGULATIONS.  
 CHAPTER 11: PERFORMANCE REGULATIONS.  
 CHAPTER 12: NONCONFORMING USE REGULATIONS.  
 CHAPTER 13: FOOD TRUCK REGULATIONS.  
 SCHEDULE 1: REQUIRED FEES

### CHAPTER 1 General Provisions

1.00	Title.	1.07	Annexed territory.
1.01	Purpose.	1.08	Interpretation.
1.02	Objectives.	1.09	Conflict.
1.03	Establishment of districts.	1.10	Separability.
1.04	Establishment of regulations.	1.11	Temporary uses.
1.05	Establishment of zoning map.	1.12	Soil removal.
1.06	District boundaries.		

---

#### 1.00 TITLE.

This Code shall be known and referred to as the "Zoning Code of the Village of South Russell, Ohio".

#### 1.01 PURPOSE.

This Code is passed to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare by (1) regulating the use of structures and land for residential, business, industrial or other uses, by (2) regulating the area and dimensions of lots, yards and other open space, by (3) regulating the location, bulk, height, design and land coverage of structures, by (4) regulating the density of population, by (5) establishing districts of such classification, number and dimensions as may be considered best to implement comprehensive planning. (Ord. 2001-19.)

### 1.02 OBJECTIVES.

This Code shall be used to achieve the following objectives:

- (a) To protect the character and values of residential, business, industrial and other uses, and to assure their orderly and beneficial development.
- (b) To provide adequate open space for light and air.
- (c) To prevent overcrowding of the land.
- (d) To prevent excessive concentration of population.
- (e) To improve the public safety and reduce congestion by locating structures and uses in relation to streets so as to cause the least interference to traffic movements.
- (f) To provide for the proper development of public utilities such as water supply and sewerage collection, as well as the development of recreation, education, transportation and other public facilities.
- (g) To encourage the most appropriate land uses.
- (h) To protect the groundwater and natural watercourses within the Village.

### 1.03 ESTABLISHMENT OF DISTRICTS.

The following districts which are designated on the Zoning Map are hereby established in the Municipality:

District Title	Abbreviations
<u>Residential</u>	
Residential, One Family	R-1-A, R-1-B, R-1-C, R-1-D
Residential, Multifamily	R-2
Residential Neighborhoods	R N-1
Elderly Assisted Living	R-3
<u>Business</u>	
Business	B-1
Limited Business	B-2
Medical Districts	B-3
Limited Offices	B-4
<u>Industrial</u>	
Light Industrial	I-1

The above abbreviations shall refer to the corresponding district titles.



## CHAPTER 3 Administration

3.00	Intent.	3.06	Amendments.
3.01	Zoning permits.	3.07	Appeals.
3.02	(Reserved)	3.08	Violations.
3.03	Director of Transportation Review.	3.09	Penalties.
3.04	Development approval.	3.10	Fees.
3.05	Conditional use permits.		

### 3.00 INTENT.

Provisions are herein established to achieve effective, efficient and uniform administration of this Code.

### 3.01 ZONING PERMITS.

No structure or sign shall be erected, enlarged or moved in whole or in part, and no use shall be established or changed prior to the issuance of a zoning permit by the Zoning Inspector, except for the use set forth in Chapter 13. Furthermore, any change of occupancy of a portion or all of a structure in a business or industrial district shall require the issuance of a new zoning permit. Zoning permits shall be issued according to the following procedures:

- (a) Application: Applications for zoning permits shall include the following data:
  - (1) One copy of Form Z-1 completed by the applicant and required data specified thereon.
  - (2) The fee specified on Schedule 1.
- (b) Notification: Within five working days after receipt of a completed application, the Zoning Inspector shall notify the applicant on Form Z-1 that one of the following actions is required:
  - (1) Approval by Zoning Inspector only.
  - (2) Highway Director review according to Section 3.03.
  - (3) Development approval according to Section 3.04.
  - (4) Issuance of a conditional use permit according to Section 3.05.
- (c) Action:
  - (1) If approval by the Zoning Inspector without other action is required, the Zoning Inspector shall approve or disapprove said application within five working days after receipt of a completed application. If another approval is needed as a condition precedent to action by the Zoning Inspector, the Zoning Inspector shall have five working days after the date of notification of such other prior approval, before approving or disapproving the application. Approval shall be granted only if the application complies with all provisions of this Code, and other applicable

municipal, county or state law. No building permit shall be issued by the Building Inspector prior to the issuance of a zoning permit.

- (2) No building permit shall be issued prior to the applicant obtaining approval from the Architectural Review Board when required in Chapter 264 of the Codified Ordinances of South Russell. The Zoning Inspector shall not grant variances and shall not approve any application which requires a variance until it has been granted by the appropriate board.
- (d) Permit Issued: The zoning permit shall be issued by the Zoning Inspector immediately after his approval of the application. Such permit shall become void if work is not started within 180 days and completed within twelve months after the date of issuance unless an extension of an additional six months period is obtained by applicant from the Commission if completion is not possible within twelve months. Any such request for an extension shall be accompanied by an additional fee of twenty-five dollars (\$25.00) and shall be deemed to be a request for a zoning permit under Schedule 1.  
(Ord. 2021-51. Passed 7-12-21.)

### 3.02 (RESERVED)

### 3.03 DIRECTOR OF TRANSPORTATION REVIEW.

No application for a zoning permit involving land within 300 feet of the centerline of a certified, proposed new or altered state highway, or within 500 feet of the point of intersection of such centerline with any other street, shall be approved by the Zoning Inspector prior to review by the State Director of Transportation according to the following procedure.

- (a) Referral: Within five working days after receipt of a completed application for a zoning permit the Zoning Inspector shall forward a copy thereof to the Director.
- (b) Review: If within 120 days after the date of referral the Director notifies the municipality that land acquisition shall proceed, the application shall be disapproved. If the Director notifies the municipality that land acquisition shall not proceed, or upon the expiration of 120 days, the Zoning Inspector may approve the application.

### 3.04 DEVELOPMENT APPROVAL.

- (a) (1) Other than as to the exception set out in division (a)(2) of this section, no application for a zoning permit involving a multi-family residential, private cluster residential development, or envelope, residential neighborhood, elderly assisted living facility, any one-family structure exceeding thirty feet maximum height and not requiring a variance, business or industrial structure or use, or any property located in a groundwater sensitive zone in which the applicant seeks to develop the property and the future occupants potable water needs will be supplied by using groundwater from the property, shall be approved by the Zoning Inspector prior to approval by the Commission according to the following procedure and development regulation of this Code. (Amended by Ord. No. 1993-37, passed 8-16-93)

- (2) A. Where there has been a change of occupancy only, in all or a portion of a structure in a business or industrial district, and there has been no change in the use of said structure or relevant portion thereof, nor any erection or enlargement of said structure, then the Planning Commission review is not necessary and the Zoning Inspector may issue the zoning permit without prior Commission approval.
- B. Where a zoning permit has already been issued for a "residential neighborhood" development, the Zoning Inspector may thereafter issue any required zoning permits without prior Commission review or approval.

- (b) Application: Applications for development approval shall include the following data:
  - (1) One copy of Form Z-1 completed by the applicant and Zoning Inspector and required data specified thereon.
  - (2) The fee specified on Schedule 1.

(c) Review: Upon receipt of a completed application the Secretary shall forward a copy to the Engineer and place it on the agenda of the next regular Commission meeting. The filing date of the application shall be the date of this meeting. The Planning Commission may defer action, as set forth in division (d) of this section, upon such application, until the date of the next regularly scheduled Planning Commission meeting, but in no event later than forty days after the filing date, unless the applicant agrees to a further extension of time for Planning Commission action.

(d) Action: Following a review of the application and reports thereon, the Commission shall within the time limit as set forth in division (c) of this section approve, conditionally approve or disapprove the application. Commission action, including any conditions thereto shall be certified by the Secretary on Form Z-1 to the applicant and the Zoning Inspector.

(e) Permit Issued: Unless specifically authorized otherwise by Planning Commission, the applicant shall comply with all conditions imposed by any permit prior to commencement of development where possible. Before a zoning permit is issued, the Commission in its discretion may require a performance bond in an amount determined by the engineer and in form approved by the Solicitor which shall be placed with the municipality to assure that grading, landscaping, paving, storm drainage and other improvements shall conform to the approved development and all laws and regulations of the municipality.

(f) Review Standards: It shall be the duty of the Planning Commission to investigate and ascertain if the plans for the development comply with the following conditions, which conditions must be complied with by the applicant in order to receive a zoning permit to develop their property:

- (1) That the proposed development is harmonious with the Subdivision Regulations, if applicable, of the Village of South Russell.
- (2) That it will not adversely affect neighboring properties.

- (3) That the plan of the development provides for integrated and harmonious design of buildings and structures and for adequate and properly arranged facilities for internal traffic circulation, off-street parking and loading, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the applicant as well as from the standpoint of the adjoining or surrounding, existing or potential developments.
- (4) That an adequate water supply sufficient for the reasonable needs of the proposed development is available to the development without unduly burdening the already existing water users in the vicinity or endangering the water supply or recharge area of the Village. There are hereby created groundwater sensitive zones in the undeveloped and under developed portions of the municipality known as The Two Acre Groundwater Zone (GW-2), The Three Acre Groundwater Zone (GW-3), The Four Acre Groundwater Zone (GW-4) and The Five Acre Groundwater Zone (GW-5) as designated on the map hereinafter described. Said zones are created in areas where further development of the land is possible and where the potential development may adversely affect the available groundwater for the present and future consumers of the groundwater. Any property located in a groundwater sensitive zone shall be developed in accordance with the minimum lot area requirements of such zone which are displayed and set forth in the Groundwater Sensitive Zone Map dated September 1, 1988 and as may be amended from time to time, which shall be on file and maintained at the office of the Village Clerk. If any parcel of land is located in more than one zone, the minimum lot area for the entire parcel shall be the larger minimum lot area of the zones unless the Commission finds that the proposed use of the parcel of land can be located in such a fashion as to utilize the groundwater in a less restrictive zone. In such event, the less restrictive zone shall govern. However, the Commission, upon the applicant's request, may permit development in accordance with the minimum lot area requirements set forth in Section 4.02, 5.02, 6.02 and 7.02 when presented with evidence satisfactory to the Commission the groundwater conditions located on and under the proposed development are adequate to service the future occupants of the proposed development without adversely affecting the rights of other consumers of the groundwater contained in the same aquifer(s), considering the density allowances of Section 4.02, 5.02, 6.02 and 7.02 or that the proposed development will be serviced by a municipal or county water distribution system adequate to service such needs. If the Commission determines that the services of a hydrogeologist or hydrologist are needed to advise the Commission, the Commission may hire such person or firm at the cost of the applicant. If the applicant intends to obtain water from a public water supply for the proposed development, the entire cost of providing the improvements to the municipal or county water distributing system shall be borne by the applicant. In the event the applicant intends to use the groundwater as the potable water supply, and the Commission determined the groundwater conditions permit minimum lot areas

smaller than permitted by the Groundwater Sensitive Zone Map on any part or all of the proposed development but larger than the minimum lot area permitted in Sections 4.02, 5.02, 6.02 and 7.02, the Commission may permit minimum lot areas on any part or all of the proposed development to be compatible with the groundwater capabilities but not less than those set forth in the pertinent regulation found in Sections 4.02, 5.02, 6.02 and 7.02. Density allowance for the purpose of this division shall mean minimum lot area requirements of the Village Zoning Code. (Ord. 1988-59, adopted October 24, 1988; Ord. 2001-19.)

(g) Expenses of Inspection or Investigation for Compliance: The applicant shall be responsible for all expenses incurred by the Village for engineering, legal, and other costs of experts arising from any inspection and/or investigation reasonably necessary for the Village to assure compliance with any developmental approval or to determine whether or not any Village action is required prior to the expiration of any performance bond issued pursuant to division (d) of this section.

(Ord. 2022-66. Passed 8-8-22.)

### 3.05 CONDITIONAL USE PERMITS.

No conditional use specified in this Code shall be established prior to the issuance of conditional use permit by the Zoning Inspector according to the following procedure and conditional use regulations of this Code.

- (a) Application: Applications for conditional use permits shall include the following data:
  - (1) One copy of Form Z-1 and Z-3 or Z-3-A completed by the applicant and required data specified thereon.
  - (2) The fee specified on Schedule 1.
- (b) Review & Hearing: Upon receipt of a completed application the Secretary shall place the application on the agenda of the next regular Commission meeting. The filing date of the application shall be the date of this meeting. At such meeting the Commission shall schedule a public hearing within sixty days thereafter. Notice shall be given in at least one publication of a newspaper of general circulation in the municipality and mailed by the Secretary to the applicant and property owners contiguous to and across the street from the lot involved at least twenty days before the hearing. Failure to deliver such notice, however, shall not invalidate any Commission action. (Ord. 2001-19.)
- (c) Action: Within fifteen days after the public hearing, or continuations thereof, the Commission shall approve, conditionally approve or disapprove the application. Commission action including any conditions thereto shall be certified by the Secretary on Form Z-3 or Z-3-A and one copy shall be returned to the applicant and one copy forwarded to the Zoning Inspector.

- (d) Permit Issued: Unless specifically authorized by Planning Commission, the applicant shall comply with all conditions imposed by any permit prior to commencement of development. Such permit shall authorize only one conditional use and shall become void if all work is not started within 180 days and is not completed within one year after the date of issuance unless an extension is obtained from the Commission or if the conditional use ceases for more than 180 days. Before a zoning permit is issued, the Commission in its discretion may require a performance bond in an amount determined by the Engineer and in form approved by the Solicitor which shall be placed with the municipality to assure that grading, landscaping, paving, storm drainage, and other improvements shall conform to the approved development and all laws and regulations of the municipality and other conditions for which a performance bond is appropriate and have been required by the Commission.  
(Ord. 2022-66. Passed 8-8-22.)

### 3.06 AMENDMENTS.

Whenever the public necessity, general welfare or good zoning practice require, Council may, after receipt of a Commission recommendation amend or repeal any provision of this Code. Amendments may be initiated by Council or the Commission or by property owner within the area to be changed or affected by the amendment according to the following procedure.

- (a) (1) If initiated by Council, Clerk shall forward a copy of the proposed amendment to the Secretary who shall place it on the agenda of the next regular Commission meeting.
- (2) If initiated by a property owner, the Secretary shall place the proposed amendment on the next regularly-scheduled Planning Commission meeting provided the property owner has submitted to the Secretary:
- A. One copy of the Form Z-5 completed by the applicant and required data specified thereon.
- B. The fee specified on Schedule 1. In the event the actual cost and fees exceeds the amount of the fee, the applicant shall pay such additional costs and fees to the Clerk upon receipt of an invoice for such additional fees or costs and no amendment shall be adopted until the same has been paid to the municipality. The Zoning Map, certified by the Commission Chairman and Secretary, shall be on file in the Village Building Department and/or with the Village records and no change thereon shall be made without legislative authority. (Ord. 2001-19.)
- (3) In all cases, the filing date of the proposed amendment shall be the date when it first appears on the agenda.
- (b) Director of Transportation Review: If the proposed amendment involves land within 300 feet of the centerline of a certified proposed new or altered state highway, or within 500 feet of the point of intersection of such centerline with any other street, the Secretary shall forward a copy to the State Director of Transportation. The Commission may thereafter proceed to act on the amendment, but Council shall not approve it for

120 days after referral to the Director. If during this period the Director notifies the municipality that land acquisition shall proceed, Council shall deny the amendment. If the Director notifies the municipality that land acquisition shall not proceed or upon the expiration of 120 days, Council may approve the amendment.

- (c) Recommendation: The Commission may hold a public hearing within thirty days after the filing date of the proposed amendment by giving notice on Form Z-4 and at least one publication in a newspaper of general circulation in the municipality at least ten days before such hearing. Form Z-4 shall also be mailed by the Secretary at least ten days before the hearing to the applicant and property owners within, contiguous to, and across the street from any lot of record involved in an amendment to this Code. The proponent of the amendment may require the Commission to recommend approval or disapproval of the amendment exactly as proposed or may consent to modifications of the amendment recommended by the Commission or may request the Commission to recommend approval of an amendment with modifications agreed to and those not consented to by the proponent. Within fifteen days after the hearing or forty-five days after the filing date if no hearing is held, the Commission shall recommend approval, disapproval, or modification of the amendment. Commission action including any conditions thereto shall be certified by the Secretary on Form Z-5 and shall return one to the property owner and forward one to the Clerk.
- (d) Council Hearing: Upon receipt of the Commission recommendation, the Clerk shall place the proposed amendment on the agenda of the next regular Council meeting. At such meeting Council shall schedule a public hearing giving thirty days notice thereafter. Notice of the hearing on Form Z-4 shall be given in at least one publication of a newspaper of general circulation in the municipality at least thirty days before such hearing. If the amendment involves rezoning or redistricting of ten or less parcels listed on a tax duplicate, Form Z-4 shall also be mailed by the Clerk at least thirty days before the hearing to property owners within, contiguous to or across the street from the area involved.
- (e) Council Action: Within thirty days after the completion of the required readings, or any waiver thereof, Council shall by ordinance adopt, modify or deny the amendment. No Council action however, shall overrule a Commission recommendation except by an affirmative vote of three-fourths of the Council members.  
(Ord. 2022-66. Passed 8-8-22.)

### 3.07 APPEALS.

The Board shall hear and determine any question or dispute involving the interpretation of the provisions of this Code and may grant variances (other than as to the height of any residential dwelling) according to the following procedure, standards and criteria. The Planning Commission shall hear and determine any variance to the maximum height regulations of Chapter 4 according to the following procedure, standards and criteria. Any party adversely affected may file an appeal to the Board from any administrative action including the granting or denial of a zoning permit or occupancy permit, however, the Board shall not hear appeals from any final decision of the

Commission requesting a variance to the maximum height regulations of Chapter 4. (Amended by Ord. No. 1993-37, passed 8-16-93)

- (a) Application: Applications shall be filed with the Secretary within twenty days after the date of any action to be appealed from and shall include the following data:
  - (1) One copy of Form Z-6 completed by the applicant.
  - (2) The fee specified on Schedule 1. In the event the actual cost and fees exceeds the amount of the fee, the applicant shall pay such additional costs and fees to the Clerk upon receipt of an invoice for such additional fees or costs and no permit shall be issued until the same has been paid to the municipality. (Ord. 2001-19.)
- (b) Review & Hearing: Upon receipt of a complete application, the Secretary shall notify the Chairman of the Board, or the Commission as to residential height variances, who shall schedule a public hearing within thirty-five days of the filing date of the application. Notice of the hearing on Form Z-4 shall be given at least one publication in a newspaper of general circulation in the municipality at least ten days before such hearing. Form Z-4 shall be mailed by the Secretary of the Board, or the Commission, as the case may be, at least ten days before the hearing to the applicant and property owners contiguous to and/or across the street from, and all others within 250 feet of any yard of the property involved. Failure to deliver such notice, however, shall not invalidate any Board or Commission action. (Amended by Ord. No. 1993-37, passed 8-16-93.)
- (c) Action: Within fifteen days after the public hearing, the Board, or the Commission, as the case may be, shall approve, conditionally approve or disapprove the application. Board or Commission action, including any conditions thereto, shall be certified by the Secretary on Form Z-6 and one copy shall be returned to the applicant and one forwarded to the Zoning Inspector. Any rights obtained by variance and any permit issued shall become void if such permit would become void under Section 3.01(d). In determining whether or not an application for a height variance should be approved, the Commission shall be guided by the provisions of Section 4.02 and divisions (c)(1), (c)(2), (c)(3) and (c)(4) of this section. In determining whether or not the application should be approved, conditionally approved, or disapproved, the action of the Board shall be based on the following standards and criteria: (Amended by Ord. No. 1993-37, passed 8-16-93.)
  - (1) Variances to use regulations may be granted only to the following extent:
    - A. The property cannot be used for any permitted use within the district;
    - B. The variance would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located; and
    - C. The variance shall be the minimum necessary in order to provide adequate relief to the property owner.



- (2) Where the appellant seeks a variance pertaining to an area requirement otherwise applicable to the property, no variance may be granted unless the appellant has demonstrated the literal enforcement of the provisions or requirements of the Zoning Code pertaining to area requirements would cause the appellant practical difficulties. The factors to be considered and weighed in determining whether an appellant seeking an area variance has encountered practical difficulties in the proposed use of his property include, but are not limited to:
  - A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - B. Whether the variance is substantial;
  - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
  - E. Whether the appellant purchased the property with knowledge of the zoning restrictions;
  - F. Whether the appellant's predicament feasibly can be obviated through some method other than a variance;
  - G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- (3) Where the Board has determined that literal enforcement of the requirements of the Zoning Code would involve practical difficulties or would cause undue hardship, unnecessary to carry out the spirit and purpose of the Zoning Code, the Board shall have power to authorize a variance from such strict application so as to relieve such hardship or practical difficulties so that the spirit and purpose of the Zoning Code shall be observed and substantial justice done. In authorizing a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it deems necessary in the interest of the furtherance of the purpose of the Zoning Code and in the public interest. In authorizing a variance with attached conditions the Board shall require such evidence and guaranty or bond as it may deem to be necessary to ensure that the conditions attached are being and will be complied with.
- (4) No such variance in the provisions or requirements of the Zoning Code shall be authorized by the Board unless the Board finds that the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the Zoning Code or the public interest. (Ord. 2001-19.)
- (5) Variances to area regulations may be granted only to the following extent:
  - A. A lot of record held in single and separate ownership on the effective date of this Code may be used as a site for a single-family dwelling as provided for in the Code, provided the owner cannot acquire at a reasonable cost additional vacant land adjoining the lot.

- B. The Board may vary minimum floor area regulations of dwellings, but by no more than ten percent, if by reason of conformance to lot frontage, area or yards specified in the Code, or by exceptionally skillful arrangement of site design, the result of such a variance would be in harmony with the character of the neighborhood.
- (6) Variances to yard regulations may be granted only to the following extent:
  - A. The Board may permit as may be necessary for the appropriate development of a lot, or because of peculiar shape or topographical reasons, variances to the required yards, provided light and ventilation will be adequate, and privacy will not be impaired, and provided the owner cannot acquire at a reasonable cost additional vacant land adjoining the lot.
  - B. The Board may permit a modification of required side yard so as to allow a garage to be attached to a one-family dwelling constructed before the effective date of this Code to project into a required side yard, providing the resulting side yard is not less than five feet and further providing that the distance to a building or structure on the adjoining lot is greater than ten feet.
- (7) The Board may permit an increase in height of a proposed or existing structure or part thereof to the same height as adjacent structures, except the Board may not grant any increases in height to any residential dwellings permitted in Chapter 4. (Amended by Ord. No. 1993-37, passed 8-16-93.)
- (8) Nothing in this Code shall be deemed to prohibit any municipal official from appealing to the appropriate court from any Board decision.
- (9) In the event the Board grants a variance, in so doing the Board shall in writing specify the findings of facts in support of such a variance.
- (d) Decisions of the Board shall be final within the municipality, except that an appeal therefrom may be taken to the Court of Common Pleas for Geauga County in accordance with the laws of the State of Ohio, by any proper and interested party, including the municipality. A notice of appeal shall be filed with the Secretary of the Board. (Added by Ord. No. 1992-46, passed 9-14-92.)  
(Ord. 2016-18. Passed 6-22-16; Ord. 2022-66. Passed 8-8-22.)

### 3.08 VIOLATIONS.

Failure to obtain permits specified in this Code or comply with any other provisions of the Code shall constitute a violation. Any person may file a complaint in regard to an alleged violation. All such complaints shall be in writing and shall be filed with the Zoning Inspector, who shall record and investigate such complaints. If the Zoning Inspector finds a violation, he shall notify the person responsible on Form Z-7 and take further action as directed by the Solicitor which may include the revocation of a permit on Form Z-8 or ordering the discontinuance of the violation.

### 3.09 PENALTIES.

A violation of this Code shall constitute a misdemeanor. Any person who violates the Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more

than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty days, or both. Each day such violation continues after notification thereof shall be considered a separate offense. The owner or tenant of any structure, premises or part thereof, and any architect, builder, developer, agent or other person who commits, participates in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing in this Code shall prevent the municipality from taking such other lawful action necessary to prevent or remedy a violation. Any person who violates the provisions of Chapter 7 or fails to comply with any of its requirements shall upon conviction thereof be subject to fines and penalties set forth in Section 7.02.

### 3.10 FEES.

Fees specified on Schedule 1 shall be paid by the applicant to the municipality before the applicable application is processed. Prior to making application for a conditional use permit, development approval, zoning amendment or variance the applicant shall pay the fee specified on Schedule 1 with the Clerk to cover advertising costs, court reporter fees, other recording fees, legal fees, engineering and hydrology fees, other expert fees necessary to review the proposed development and all other administrative costs and review fees. No zoning permit shall be issued until all such costs and fees incurred are paid to the municipality.

(Ord. 2022-66. Passed 8-8-22.)



## SCHEDULE 1 - REQUIRED FEES

### Zoning Permits:

Fencing	\$50.00
Decks	\$50.00
Detached accessory structures	\$25.00
A new residence, condominium, business use or industrial use	\$75.00
All other permits	\$25.00
Occupancy Permits	No Fee

### Conditional Use Permits:

Fee for all applications (except gas and oil wells governed by Section 7.02)	\$500.00
--	----------

### Development Approval:

Fee for all applications	\$250.00
Minor Subdivision	\$1,000.00
Major Subdivision	See Subdivision Regulations

<u>Amendments:</u>	\$1,000.00
--------------------	------------

### Appeals:

Area Variance	\$250.00
All Other Appeals	\$500.00

No fee shall be required for applications initiated by the municipality.  
(Ord. 2022-66. Passed 8-8-22.)



- (10) Heating, ventilating and air conditioning work: One-hundred dollars (\$100.00) basic fee.
- (11) Other work. For which a permit is necessary and which is not otherwise set forth in this section, including, but not limited to electrical, sewer work, carpentry, and all other work for which a license or registration is necessary: One-hundred dollars (\$100.00) basic fee, plus one dollar and fifty cents (\$1.50) per 100 square or lineal feet of affected area or portion thereof when applicable.
- (b) Multifamily (three units or more), commercial, industrial and all other types of occupancies under the Ohio Building Code:
  - (1) New structures: Fifty cents (\$.50) per square foot of aggregate floor area, as defined in 1440.04(a).
  - (2) Additions: Twenty-five cents (\$.25) per square foot of aggregate floor area, as defined in 1440.04(a). Minimum fee of one hundred dollars (\$100.00).
  - (3) Alterations and repairs: Same fees as set forth in subsection (b)(2) hereof.
  - (4) Garages, storage sheds and other accessory buildings: Fifteen cents (\$.15) per square foot. Minimum fee of one-hundred dollars (\$100.00). Square footage shall be determined by using aggregate floor areas as defined in 1440.04(a).
  - (5) Other work for which a permit is necessary and which is not otherwise set forth in this section including, but not limited to plumbing, heating, ventilation and air conditioning, sewer work, carpentry, and all other work for which a license or registration is necessary except for electrical work: One-hundred dollars (\$100.00) basic fee, plus one dollar and fifty cents (\$1.50) per 100 square feet of affected area or portion thereof when applicable. For electrical work, a permit fee of one hundred dollars (\$100.00) and two dollars (\$2.00) per 100 square foot per unit.
- (c) Signs:
  - (1) New or relocated external: Twenty-five dollars (\$25.00) plus twenty-five cents (25¢) per square foot.
  - (2) Necessary repair, maintenance or replacement of components. No minimum size: Fifteen dollars (\$15.00).
- (d) Sidewalks, drives, parking areas and other hard surfaces: Village Engineer costs. Grade plan required.
- (e) Radio or television towers - commercial or residential 1-2-3: Sixty dollars (\$60.00) per fifty foot or fraction thereof in height.
- (f) Demolition of commercial, industrial and residential buildings 1-2-3: One-hundred dollars (\$100.00) plus twenty-five dollars (\$25.00) for each story over one, basement or cellar.

Excluding single-family detached 1-2-3 accessory structures, with the owner-occupant doing his own work: Permit required, but no fee.
- (g) Moving buildings, in addition to fees for alterations and repairs:
  - (1) On rollers on any public street: One thousand dollars (\$1,000) minimum.
  - (2) Without traversing any public street or portion thereof: Five hundred dollars (\$500.00) minimum.
  - (3) On a carryall on any public street or portion thereof: Five hundred dollars (\$500.00) minimum.

- (h) Public utility charges or special work. Supervision and additional inspections: Up to one thousand dollars (\$1,000), depending on the nature of the work and the time involved.

The fees provided for in subsections (a) through (g) hereof do not include public utility charges or special work required of other departments or divisions of the Village Engineer or the Street Commissioner.

(Ord. 2017-33. Passed 10-23-17.)

#### 1440.06 CONSTRUCTION DEPOSITS AND CERTIFICATES.

- (a) Deposits, prior to construction, for single-family, two-family dwellings and multi-family dwellings, including condominium units are as follows:

- (1) All new house construction for single family, five times the permit fee.
- (2) Addition to above construction. Five times the permit fee or one thousand dollars (\$1,000), whichever is greater.
- (3) Alterations to all above construction except for roofing. Five times the permit fee or one thousand dollars (\$1,000).
- (4) Two-family dwellings and multi-family dwellings. Five times the permit fee or one thousand dollars (\$1,000), whichever is greater.
- (5) Single Family Condominium Units. Five times the permit fee or one thousand dollars (\$1,000), whichever is greater.

- (b) Deposits, prior to construction, for commercial, industrial and other types of occupancies are as follows:

- (1) New buildings, five times the building permit or three thousand dollars (\$3,000), whichever is greater.
- (2) Additions, five times the permit fee or two thousand dollars (\$2,000) minimum.
- (3) Alterations, and repair, five times the permit fee, or one thousand dollars (\$1,000), whichever is greater. (Ord. 2001-7. Passed 1-22-01.)

- (c) Certificate of occupancy fees under the Ohio Building Code are as follows:

- (1) Original: Twenty-five dollars (\$25.00).
- (2) Duplicate: Five dollars (\$5.00).

- (d) Irrespective of the foregoing deposit reimbursements, any owner occupying a residential dwelling and who is performing all work for which a permit is sought or who is the general contractor for which a permit is sought shall be exempt from the requirements of making any cash deposit hereunder. A personal bond only shall be required of such owner-occupant. Such bond shall be on a form prescribed by the Solicitor and shall contain therein an authorization to charge such owner-occupant for any sum necessary to replace and/or restore any damage caused to Village property during construction, or for the proper grading or draining of the premises, if not completed as required by this Building and Housing Code and the Planning and Zoning Code.



(e) Deductions from the above deposits shall be made for all sums necessary to replace and/or restore any damage to Village property, or for grading or drainage, if not completed as required by this Building and Housing Code and the Planning and Zoning Code. Such deposit shall also be a guarantee for repair of any damage done to public or private property and/or cleaning required to be done to public or private property by reason of such construction operation. If any damage occurs during the construction operation which shall not immediately be remedied by the owner or his agent, the Village shall have the right, without notice to the owner or his agent to repair such damage or to do any cleaning and reimburse itself from such deposits for all expenses so incurred. In such event, the owner or agent shall upon demand immediately reimburse the deposit fund to bring it up to its full original amount. If the owner or agent fails to make such reimbursement, the Building Inspector may issue an order stopping all work on the project until reimbursement is made. After construction work has been completed and any necessary repairs or cleaning are completed to the satisfaction of the Building Inspector, the deposit shall be refunded.

(Ord. 1987-37. Passed 8-10-87.)

(f) Whether or not the deposit was made prior to the effective date of this subsection, when more than twelve months have passed since the making of any initial deposit required under this Chapter 1440, and further, where no significant activity is occurring with regard to the construction activities associated with such deposit, then the Building Inspector shall cause a notice to be sent to the depositor and owner setting forth any Village requirements then outstanding, and allowing said depositor and/or owner 30 days to remedy such deficiencies. After the expiration of such 30 days, if the deficiencies have not been remedied, the Building Inspector shall cause a notice of forfeiture to be sent by certified mail to the depositor and/or owner and allowing for ten days from the date of said notice in which the depositor and/or owner may appeal such proposed forfeiture in writing to Council by certified mail. If no such appeal is timely received, said deposit shall be forfeited to the Village. At Council's discretion, all or a portion of such deposit may be refunded to said depositor and/or owner. In such event, Council may also determine to retain a portion of such deposit in order to defray any reasonable cost to the Village associated with the forfeiture procedure, including, but not limited to, office overhead, postage, labor, and legal expenses.

(Ord. 2003-25. Passed 8-11-03; Ord. 2022-25. Passed 3-14-22.)

#### 1440.07 ELECTRICAL INSTALLATION FEES. (REPEALED)

(EDITOR'S NOTE: Section 1440.07 has been repealed pursuant to Ordinance 1985-69, passed December 9, 1985.)

#### 1440.08 RESIDENTIAL PLUMBING INSTALLATION FEES. (REPEALED)

(EDITOR'S NOTE: Section 1440.08 has been repealed pursuant to Ordinance 1985-69, passed December 9, 1985.)

#### 1440.09 HEATING INSTALLATION FEES. (REPEALED)

(EDITOR'S NOTE: Section 1440.09 has been repealed pursuant to Ordinance 1985-69, passed December 9, 1985.)

1440.10 GAS PIPING INSTALLATION FEES. (REPEALED)

(EDITOR'S NOTE: Section 1440.10 has been repealed pursuant to Ordinance 1985-69, passed December 9, 1985.)

1440.11 AIR CONDITIONING AND VENTILATING INSTALLATION FEES.  
(REPEALED)

(EDITOR'S NOTE: Section 1440.11 has been repealed pursuant to Ordinance 1985-69, passed December 9, 1985.)

1440.12 SURCHARGE FOR UNAUTHORIZED WORK.

Where work for which a permit required by this chapter is started prior to obtaining the permit, the fees required for the permit shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the lawful requirements of any State law or Village ordinance. The penalties provided in Chapter 1450 shall be in addition to such double fee. (Ord. 1982-34. Passed 11-8-82.)

1440.99 PENALTY. (REPEALED)

(EDITOR'S NOTE: Section 1440.99 was repealed by Ordinance 1980-32, passed June 10, 1980. See Chapter 1450 for general Code penalty.)

## CHAPTER 1614

## Fireworks

1614.01	Definitions.	1614.04	Possession, sale or discharge prohibited; exceptions.
1614.02	Public exhibition permit required; fee; bond; records.	1614.05	Application.
1614.03	Unlawful conduct by exhibitor.	1614.99	Penalty.

## CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)

Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)

Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68

Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

## 1614.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
- (2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.
- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1614.05.
- (g) "Fountain device." Means a specific type of 1.4G firework that meets all of the following criteria:
  - (1) It is nonaerial and nonreport producing.
  - (2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).

- (3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.
- (4) It contains not more than 75 grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than 500 grams or less for multiple tubes.
- (h) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (i) "Licensed fountain device retailer" or "licensed retailer." Means a person licensed pursuant to R.C. § 3743.26.
- (j) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (k) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (l) "Novelties and trick noisemakers" include the following items:
  - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
  - (2) Snakes or glow worms;
  - (3) Smoke devices;
  - (4) Trick matches.
- (m) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (n) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (o) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (p) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (q) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (r) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (s) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.  
(ORC 3743.01)

**1614.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars

(\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.
- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743.

(ORC 3743.54)

#### 1614.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1614.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

#### 1614.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this municipality or shall possess for sale or sell fireworks in this municipality, except a licensed manufacturer of fireworks as authorized by R.C. §§ 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by R.C. §§ 3743.15 to 3743.21, a shipping permit holder as authorized by R.C. § 3743.40, a licensed fountain device retailer as authorized by R.C. § 3743.27, a person as authorized by R.C. §§ 3743.44 and 3743.45, or a licensed exhibitor of fireworks as authorized by R.C. §§ 3743.50 to 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in R.C. § 3743.80 or a substantially equivalent municipal ordinance.

(b) Except as provided in division (h), R.C. §§ 3743.45 and 3743.80 or a substantially equivalent municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to R.C. §§ 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this municipality.

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

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(f) No person shall negligently discharge, ignite, or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

(g) No person shall negligently discharge, ignite, or explode fireworks on the property of another person without that person's permission to use fireworks on that property.

(R.C. § 3743.65(A) - (E), (G), (H))

(h) Purchase, Use, and Local Regulation of Consumer-grade Fireworks.

- (1) Any person who intends to obtain possession in this state of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to this division (h).
- (2) Any person authorized under this division (h) to possess 1.4G fireworks in this state may discharge, ignite, or explode those fireworks on private property, with authorization from the property owner, on the following days each year:
  - A. January 1st;
  - B. Chinese new year's day;
  - C. May 5th;
  - D. The last Monday in May, and the Saturday and Sunday immediately preceding that day;
  - E. June 19th;
  - F. July 3rd, 4th, and 5th;
  - G. The first Friday, Saturday, and Sunday before and after July 4th;
  - H. The first Monday of September, and the Saturday and Sunday immediately preceding that day;
  - I. Diwali;
  - J. December 31st.
- (3) Fireworks discharged, ignited, or exploded pursuant to this division (h) shall not be considered a public exhibition.
- (4) The municipality may do either of the following:
  - A. Restrict the dates and times a person may discharge, ignite, or exploded fireworks purchased pursuant to this division (h).
  - B. Ban the discharge, ignition, or explosion of fireworks purchased pursuant to this division (h).
- (5) This division (h) does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct.

(R.C. § 3743.45)



**1614.05 APPLICATION.**

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
  - (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
  - (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
  - (d) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the Adjutant General of Ohio, of pyrotechnic devices;
  - (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
  - (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
  - (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
  - (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
    - (1) No explosive aerial display is conducted in the exhibition;
    - (2) The exhibition is separated from spectators by not less than two hundred feet;
    - (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.
- (ORC 3743.80)

**1614.99 PENALTY.**

(a) Whoever violates any provision of this chapter for which another penalty is not specifically provided is guilty of a misdemeanor of the first degree.

(b) Whoever violates § 1614.04(f) is guilty of a misdemeanor of the first degree. Notwithstanding any other provision of law to the contrary, a person may be convicted at the same trial or proceeding of a violation of § 1614.04(f) and a violation of R.C. § 2917.11(B), or a

substantially equivalent municipal ordinance, that constitutes the basis of the charge of the violation of § 1614.04(f).

(c) Whoever violates § 1614.04(g) is guilty of a minor misdemeanor.  
(R.C. § 3743.99(C), (G), (H))