

Legislative Session Minutes

April 22, 2024

COMMITTEE MEETINGS

Mount Vernon City Council
Committee Meeting Schedule
April 22, 2024

6:00-6:09 p.m.	Riverside Park splash pad	Parks & Recreation Miller
6:10-6:16 p.m.	Fire Department fees	Fire, Police & Civil Defense Mahan
6:16-6:23 p.m.	Police Dept. quarterly update	Fire, Police & Civil Defense Mahan
6:23-6:36 p.m.	Chap. 551: Chronic Nuisance Properties	Fire, Police & Civil Defense Mahan
6:36-6:41 p.m.	Job creation/retention tax credit	Land Use & Development Keener
6:45-7:15 p.m.	Pub. Hear.: Lemmon Development CDP	Land Use & Development Keener

- 04-22-24 Committee Meeting Schedule

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

Attendee	Title	Status
Janis Seavolt	At Large	Present
Tammy Woods	Third Ward	Present
Amber Keener	At Large	Present
Mel Severns	Councilman	Present
Mike Miller	Fourth Ward	Present
James Mahan	First Ward	Present
John Ruckman	Second Ward	Present
Bruce Hawkins	President	Present

<RollCallList Status="Absent">		
{Attendee(*)}:First Last}	{Attendee(*)}:Title}	Absent

INVOCATION

Council Person Mike Miller performed the invocation.

PLEDGE OF ALLEGIANCE

All recited in unison.

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Apr 8, 2024 7:30 PM

Seavolt made a motion to accept the minutes from Council's Legislative Session of April 8, 2024, with a second by Keener. Motion to accept passed by a voice vote of 7-0.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Amber Keener, At Large
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

RECEIVE PETITIONS AND COMMUNICATIONS

None.

RECEIVE COMMITTEE REPORTS

Council accepted without comment the minutes from the two Employee and Community Relations Committee meetings and the Parks and Recreation Committee meeting of April 8, 2024.

- 04-08-24A Employee and Community Relations Committee Meeting Minutes
- 04-08-24 Parks and Recreation Committee Meeting Minutes
- 04-08-24B Employee and Community Relations Committee Meeting Minutes

LIQUOR CONTROL LICENSE

None.

PROCLAMATION

None.

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Robert Beck, 10 Woodside Drive, spoke in opposition to Ordinance No. 2024-21, amending the zoning classification of parcel #66-07961.000, also known as 0 Vernonview Drive, from the present zoning of R-1, Single Family District, to PND, Planned Neighborhood District.

RESOLUTIONS FOR THIRD READING

RESOLUTION NO. 2024-37

A RESOLUTION APPROVING THE PND COMPREHENSIVE DEVELOPMENT PLAN AS SUBMITTED BY LEMMON DEVELOPMENT AND APPROVED BY THE MOUNT VERNON MUNICIPAL PLANNING COMMISSION FOR PARCEL #71-00050.000 ON UPPER GILCHRIST ROAD; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Keener made a motion to adopt Resolution No. 2024-37, with a second by Mahan. Motion to adopt passed by a roll-call vote of 5-2, with Woods and Seavolt voting no.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Keener, Severns, Miller, Mahan, Ruckman
NAYS:	Seavolt, Woods

RESOLUTIONS FOR SECOND READING

None.

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2024-44

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO DISPOSE OF A VEHICLE IN THE POLICE DEPARTMENT NOT NEEDED FOR PUBLIC USE BY THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-44, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-44, with a second by Woods. Safety-Service Director Tanner Salyers commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

RESOLUTION NO. 2024-45

A RESOLUTION TO SUBMIT AN APPLICATION FOR PY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION, CRITICAL INFRASTRUCTURE AND ALLOCATION FUNDS; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-45, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-45, with a second by Woods. Engineer Brian Ball noted that the various Community Development Block Grant funds would be used for sidewalk construction on East Vine Street, sewer and park improvements on the north side of West High Street, and brick street maintenance. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

RESOLUTION NO. 2024-46

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF BRIAN BALL AND LACIE BLANKENHORN TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) DISTRICT 17 INTEGRATING COMMITTEE, PER OHIO REVISED CODE 164.04(6); AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

Woods made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-46, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Resolution No. 2024-46, with a second by Keener. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tammy Woods, Third Ward
SECONDER:	Amber Keener, At Large
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

RESOLUTION NO. 2024-47

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

Finance and Budget: Seavolt, Woods

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-47, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-47, with a second by Woods. Auditor Terry Scott commented on the legislation, noting that the transfers are needed for the infrastructure project in the Dan Emmett School neighborhood. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

RESOLUTION NO. 2024-48

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT FROM THE ARIEL CORPORATION THE GIFT OF FUNDING FOR CONSTRUCTION AND MAINTENANCE OF A SPLASH PAD AT RIVERSIDE PARK; AND DECLARING AN EMERGENCY.

Parks and Recreation: Miller, Severns

Miller made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-48, with a second by Severns. Motion to suspend passed by a roll-call vote of 7-0. Miller made a motion to adopt Resolution No. 2024-48, with a second by Severns. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Miller, Fourth Ward
SECONDER:	Mel Severns, Councilman
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

RESOLUTION NO. 2024-49
A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO
ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR
CONSTRUCTION OF A SPLASH PAD AT RIVERSIDE PARK; AND
DECLARING AN EMERGENCY.

Parks and Recreation: Miller, Severns

Miller made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-49, with a second by Severns. Motion to suspend passed by a roll-call vote of 7-0. Miller made a motion to adopt Resolution No. 2024-49, with a second by Severns. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Miller, Fourth Ward
SECONDER:	Mel Severns, Councilman
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

ORDINANCES FOR THIRD READING

None.

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2024-18
AN ORDINANCE REPEALING CHAPTER 551 OF THE CODIFIED
ORDINANCES OF THE CITY OF MOUNT VERNON, STATE OF OHIO.

Fire, Police and Civil Defense: Mahan, Seavolt

Ordinance No. 2024-18 was given a second reading.

RESULT:	SECOND READING	Next: 5/13/2024 7:30 PM
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ORDINANCE NO. 2024-19
AN ORDINANCE ESTABLISHING THE MOUNT VERNON JOB CREATION
AND RETENTION TAX CREDIT PROGRAM AND MAKING RELATED
AUTHORIZATIONS.

Land Use and Development: Keener, Mahan

Keener made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-19, with a second by Mahan. Motion to suspend passed by a roll-call vote of 7-0. Keener made a motion to amend Ordinance No. 2024-19, with a second by Mahan. At the suggestion of Treasurer David Stuller, specifically, "shall" would be changed to "may" in the last sentence of Section 4 so that the sentence reads, "City Council may then approve each Agreement based on such recommendation, with any changes made in Council's sole discretion." In addition, "return filed on December 31st" at the end of the last sentence in Section 5 would be

changed to "next filed return," so that the sentence reads, "The City shall then provide a tax credit certificate no later than thirty (30) days after receipt of the annual reports, which tax credit certificate shall be filed with the taxpayer's next filed return." Motion to amend passed by a roll-call vote of 7-0.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

ORDINANCE NO. 2024-20

AN ORDINANCE TO AUTHORIZE THE MOUNT VERNON FIRE
DEPARTMENT TO COLLECT FEES FOR REQUIRED INSPECTIONS AND
TESTS; AND DECLARING AN EMERGENCY.

Fire, Police and Civil Defense: Mahan, Seavolt

Ordinance No. 2024-20 was given a second reading.

RESULT:	SECOND READING	Next: 5/13/2024 7:30 PM
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ORDINANCES FOR FIRST READING

ORDINANCE NO. 2024-21

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF
PARCEL #66-07961.000, ALSO KNOWN AS 0 VERNONVIEW DRIVE, FROM
THE PRESENT ZONING OF R-1 - SINGLE FAMILY DISTRICT, TO PND -
PLANNED NEIGHBORHOOD DISTRICT.

Land Use and Development: Keener, Mahan

Ordinance No. 2024-21 was given a first reading. Keener requested a five-minute meeting of the Land Use and Development Committee on the legislation for May 13, 2024.

RESULT:	FIRST READING	Next: 5/13/2024 7:30 PM
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ORDINANCE NO. 2024-22

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE FEBRUARY
2024 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO
REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE
ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Ordinance No. 2024-22 was given a first reading.

RESULT: FIRST READING**Next: 5/13/2024 7:30 PM****ORDINANCE NO. 2024-23**

**AN ORDINANCE AUTHORIZING THE REMOVAL OF A PARKING SPACE
ALONG THE SOUTH SIDE OF EAST CHESTNUT STREET, AND
DECLARING AN EMERGENCY.**

Streets and Public Buildings: Severns, Ruckman

Severns made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-23, with a second by Ruckman. Motion to suspend passed by a roll-call vote of 7-0. Severns made a motion to adopt Ordinance No. 2024-23, with a second by Ruckman. Safety-Service Director Tanner Salyers explained that the County wants a parking spot on North Chestnut Street removed because it presents a safety issue behind the Courthouse. Engineer Brian Ball added that the parking lot there has been reconfigured. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mel Severns, Councilman
SECONDER:	John Ruckman, Second Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

REMARKS FROM THE ADMINISTRATION

Safety-Service Director Tanner Salyers wished a Happy Passover to everyone who observes the holiday.

REMARKS FROM COUNCIL

Severns mentioned attending a Pheasants Forever event, thanked the 500 volunteers associated with the four Nazarene churches in Mount Vernon who worked on service projects for the community, and remembered former Council Person Josh Kirby, who died earlier in the month. Mahan stressed the need for a new Police Station, and thanked Knox Pages for an article it published on the Kokosing River levee. Seavolt thanked the guests who attended the meeting. Keener wished a happy Passover to everyone who observes the holiday. Hawkins noted that there will be a tree dedication at Shellmar Park at 4 p.m. on April 26, which is Arbor Day.

ADJOURN AT THE CALL OF THE PRESIDENT

Seavolt made a motion to adjourn, with a second by Keener. Meeting adjourned at 8:14 p.m.

Bruce E. Hawkins, President of Council

Todd Hill, Clerk of Council

CD on file/th



PRESS RELEASE

City Hall
40 Public Square
Mount Vernon, OH 43050

FOR MORE INFORMATION, CONTACT:
Todd Hill, Clerk of Council
740-393-9517 Fax: 740-397-6595

FOR IMMEDIATE RELEASE
April 17, 2024

Mount Vernon City Council Committee Meeting Schedule April 22, 2024

6:00-6:05 p.m.	Riverside Park splash pad	Parks & Recreation Miller
6:05-6:10 p.m.	Fire Department fees	Fire, Police & Civil Defense Mahan
6:10-6:25 p.m.	Police Dept. quarterly update	Fire, Police & Civil Defense Mahan
6:25-6:35 p.m.	Codified Ord. Chap. 551: Chronic Nuisance Properties	Fire, Police & Civil Defense Mahan
6:35-6:45 p.m.	Job creation/retention tax credit	Land Use & Development Keener
6:45-7:15 p.m.	Public Hearing: Lemmon Development CDP	Land Use & Development Keener

The above listed meeting will be held to discuss the above items; but will not be limited to those listed.
Mount Vernon News - WMVO - WNZR – City Hall Bulletin Board



**Employee and Community Relations Committee Meeting Minutes
Committee Meeting**

April 8, 2024 – 5:55 p.m. to 6:19 p.m.

COUNCIL PRESENT:

Bruce Hawkins, President
 Tammy Woods, Third Ward
 James Mahan, First Ward
 John Ruckman, Second Ward
 Mike Miller, Fourth Ward
 Janis Seavolt, At-Large
 Amber Keener, At-Large
 Mel Severns, At-Large

OTHERS IN ATTENDANCE:

The chair made a motion to go into executive session to discuss employee compensation at 5:55 p.m., with a second by Seavolt. Motion passed by a roll-call vote of 7-0. The committee exited executive session at 6:18 p.m.

Respectfully submitted,

Tammy Woods, Chair
 Employee and Community Relations Committee
 Mount Vernon City Council

TW/th



**Parks and Recreation Committee Meeting Minutes
April 8, 2024 – 6:20 p.m. to 6:26 p.m.**

COUNCIL PRESENT:

Bruce Hawkins, President
 Tammy Woods, Third Ward
 James Mahan, First Ward
 John Ruckman, Second Ward
 Mike Miller, Fourth Ward
 Janis Seavolt, At-Large
 Amber Keener, At-Large
 Mel Severns, At-Large

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
 Tanner Salyers, Safety-Service Director
 Rob Broeren, Law Director
 Terry Scott, Auditor
 David Stuller, Treasurer
 Brian Ball, Engineer
 Chad Christopher, Fire Chief
 Robert Morgan, Police Chief
 Aaron Rinehart, Utilities Director
 Tom Hinkle, Public Works Director
 Denise Neff, Human Resources
 Todd Hill, Clerk
 Several additional City employees
 Cheryl Splain, Knox Pages

The chair requested quarterly updates from the Administration on the hiring of Parks staff, all planned Parks projects and activities, including planning and costs, as well as updates on the Kokosing River levee, all to facilitate better communication. He also requested quarterly updates from the Auditor and Treasurer. No further meetings on the matter were requested.

Respectfully submitted,

Mike Miller, Chair
 Parks and Recreation Committee
 Mount Vernon City Council

MM/th



**Employee and Community Relations Committee Meeting Minutes
Committee Meeting**

April 8, 2024 – 6:34 p.m. to 6:57 p.m.

COUNCIL PRESENT:

Bruce Hawkins, President
Tammy Woods, Third Ward
James Mahan, First Ward
John Ruckman, Second Ward
Mike Miller, Fourth Ward
Janis Seavolt, At-Large
Amber Keener, At-Large
Mel Severns, At-Large

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
Tanner Salyers, Safety-Service Director
Rob Broeren, Law Director
Terry Scott, Auditor
David Stuller, Treasurer
Brian Ball, Engineer
Chad Christopher, Fire Chief
Robert Morgan, Police Chief
Aaron Rinehart, Utilities Director
Tom Hinkle, Public Works Director
Denise Neff, Human Resources
Todd Hill, Clerk
Several additional City employees
Cheryl Splain, Knox Pages

The committee discussed Ordinance No. 2024-14, fixing the number, wages and benefits of hourly, non-bargaining unit City employees, and Ordinance No. 2024-16, establishing compensation for supervisory and professional personnel. The chair noted that she intended to table the ordinances indefinitely because of issues with compensation data, timing and perception. Miller noted that he would like more information from the Auditor, Treasurer and Administration. Woods added that some of the compensation data in the legislation's supporting documentation is inaccurate, and Safety-Service Director Tanner Salyers and Human Resources Director Denise Neff agreed that some of the payroll data is inaccurate. Salyers expressed disappointment that members of Council had not met with the Administration on the legislation, and suggested the City would continue to have issues with retaining and recruiting employees if the legislation isn't adopted. He added that re-appropriations within departments to account for wage adjustments are routine. Woods asked what she should tell residents if the legislation were adopted, and Mahan spoke against tabling it. Miller suggested tabling the legislation to a specific date or scheduling a special meeting on it. No further meetings on the legislation were requested. Ordinance Nos. 2024-14 and 2024-16 were up for third readings at Council's Legislative Session later in the evening.

Respectfully submitted,

Tammy Woods, Chair
Employee and Community Relations Committee
Mount Vernon City Council



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 04/22/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan

Category: Planning and Zoning
Prepared By: Todd Hill
Initiator: Todd Hill

ADOPTED

RESOLUTION 2024-37

DOC ID: 3994

A RESOLUTION APPROVING THE PND COMPREHENSIVE DEVELOPMENT PLAN AS SUBMITTED BY LEMMON DEVELOPMENT AND APPROVED BY THE MOUNT VERNON MUNICIPAL PLANNING COMMISSION FOR PARCEL #71-00050.000 ON UPPER GILCHRIST ROAD; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Mount Vernon City Council approve the PND Comprehensive Development Plan as submitted by Lemmon Development and approved by the Municipal Planning Commission for Parcel #71-00050.000 on Upper Gilchrist Road. The general plan for the development is shown in Attachment "A" and made part of this Resolution.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of municipal government, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

03/25/24 City Council FIRST READING

Resolution No. 2024-37 was given a first reading. Keener requested a 15-minute meeting of the Land Use and Development Committee on the legislation for April 8, 2024.

04/08/24 City Council SECOND READING

Resolution No. 2024-37 was given a second reading. A public hearing on the legislation has been scheduled for Monday, April 22, 2024, from 6:45 to 7:15 p.m.

COMMENTS - Current Meeting:

Keener made a motion to adopt Resolution No. 2024-37, with a second by Mahan. Motion to adopt passed by a roll-call vote of 5-2, with Woods and Seavolt voting no.

RESULT: **ADOPTED [5 TO 2]**
MOVER: Amber Keener, At Large
SECONDER: James Mahan, First Ward
AYES: Keener, Severns, Miller, Mahan, Ruckman
NAYS: Janis Seavolt, Tammy Woods



City of Mount Vernon, Ohio

Development Services

40 Public Square

Mount Vernon, OH 43050

Phone 740-393-2033 | DSM@MountVernonOhio.org

To: Clerk of Council

March 18, 2024

Municipal Planning Commission

Meeting Date: March 14, 2024

Case Number: 2024-MPC-03

PND Comprehensive Development Plan for parcel number 71-00050.000 on Upper Gilchrist RD

A PND Comprehensive Development Plan was submitted for review to the Municipal Planning Commission for recommendation to Council by Lemon Development for parcel: 71-00050.000 on Upper Gilchrist Road.

A public hearing was held and discussion ensued about the proposed Comprehensive Development Plan. Following discussion:

Tanner Salyers made a motion to recommend to Council to approve the Comprehensive Development Plan. Anne Ellsworth seconded the motion.

**The motion passed with a unanimous 5-0, affirmative vote.
(Yes: Starr, Salyers, Ellsworth, Hawkins, Swallow)**

Per §1163.03 Council shall consider the recommendation of the Municipal Planning Commission for the Comprehensive Development Plan and determine the final approval or denial.

Warm Regards,

Lacie Blankenhorn

Lacie Blankenhorn
Development Services Manager

Attachment: 03-25-24 Attachment A (2024-37 : Upper Gilchrist PND Plan Approval)



DATE: February 29, 2024
 TO: City of Mount Vernon
 FROM: Patrick Mackie
 RE: Mt. Vernon Upper Gilchrist

1163.02 DEVELOPMENT STANDARDS.

(a) Lot Requirements in the Planned Neighborhood District are:

- (1) Lot area: No minimum lot area is required, but an area can be considered a Planned Neighborhood District only if a variety of different types of dwelling units are used.
Response: The project will consist of a variety of 2-unit, 4 unit, and 6-unit villas and 8 unit apartment buildings
- (2) Yards: No yard requirements or distances between buildings are established in order to enable creativity in design. The applicant shall arrange the buildings in such a way that adequate provision is guaranteed for all units to open space, air, light and exposure to sunshine. Zero lot line clusters and variations in building setbacks are encouraged.
Response: The buildings have been arranged to provide an open area behind the buildings. The plan establishes the building separations.
- (3) The maximum density shall not exceed five dwelling units per net acre. Densities can be increased as provided for in Section 1163.02 (3)C. hereof. Public right-of-way shall not be included in the computation of new area.
Response: The density of the development is 4.6 units/ac. which is less than the 5 units/ac. maximum density.
- (4) Single family developments which do not utilize zero lot line clusters or equally creative site design must conform to the R-1 single family development standards.
Response: N/A as this project is a multi-family project.

(b) Building Requirements in the Planned Neighborhood District are:

- (1) Maximum height: Except as provided in subsection 1163.02 (c)(3) hereof, no multiple family structure shall exceed thirty-five feet in height and single family and two-family structures shall not exceed thirty feet in height.
Response: All proposed structures are single story. The apartment buildings will not exceed 24 feet in height, and the villa units will not exceed 21 feet in height.
 - A. Minimum floor areas:
 1. Single family: 1,200 square feet.
 2. Two family: 900 square feet each unit.
 3. Multifamily: 700 square feet each unit.*Response: All villa units will exceed 1,200 square feet and all apartment units will exceed 700 square feet.*



(c) Site Development Requirements in the Planned Neighborhood District are:

- (1) All applicable subdivision regulations and parking, sign and landscaping regulations of this Zoning Ordinance must be satisfied.

Response: Per Section 1174.05 two parking spaces per unit are required or 312 spaces. The plan provides for a total of 528 spaces as indicated on the plan. Landscaping will be as shown on the preliminary landscape plan.

- (2) A comprehensive development plan must be approved by the Planning Commission which includes all of the following elements:

- A. Location and size of residential uses indicating the location of any types of dwellings, the density for each separate area of land to be developed, the overall number of units to be constructed, and the overall density of the proposed development.

Response: The development includes 108 villa units and 48 apartment units. The total density of the proposed development is 4.6 units/acre.

- B. Location, size and type of nonresidential uses such as open space, parks, playgrounds, community facilities and schools to be located in the land to be developed.

Response: Non-residential uses are shown on the plan. This includes open area, a club house, pickleball, and walking trails.

- C. Proposed phases of development of the land in terms of units, land area, streets, access and uses.

Response: The project is planned to be phased as shown on the plans.

- D. Traffic patterns, streets, bikeways, access, parking areas and pedestrian walkways. Conflict between the movement of pedestrians, bicycles and vehicles shall be minimized.

Response: The traffic patterns, parking areas and pedestrian walkways are as shown on the plan.

- E. Trash collection systems to be used, the location and type of trash containers, and the types of enclosures to be used to screen trash containers from view.

Response: Individual Unit Pickup will be utilized for trash collection.

- F. A preliminary plat conforming to the subdivision regulations and including at least twenty percent (20%) of the total acreage included in the comprehensive development plan.

Response: The Preliminary Plan includes applicable information from Section 1135.02.

- (3) Development incentives: Development incentives of increased densities and increased building heights may be recommended by the Planning Commission based on the following criteria:

- A. The development is directly adjacent to major thoroughfares as delineated in the Thoroughfare Plan and community services.

Response: N/A as no development incentives are being requested.



- B. Building design and site design is of high quality and includes the integration of buildings and structures with natural materials or well defined, and good design.

Response: N/A as no development incentives are being requested.

- C. A well-designed open space system is utilized that provides pedestrian and bicycle access to neighborhood facilities, parks, play areas and scenic areas, and the system includes provision for landscaping and outdoor furniture.

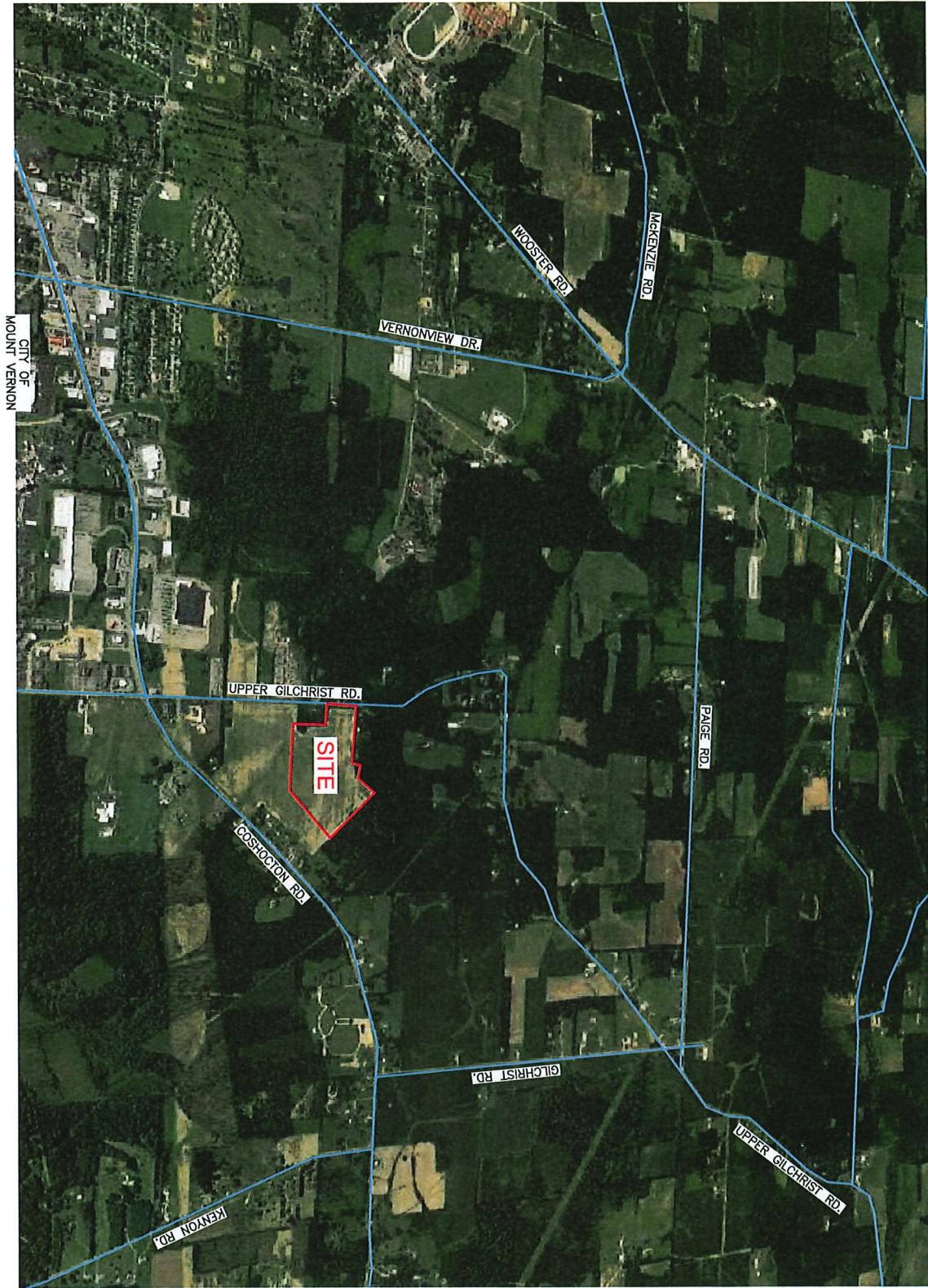
Response: N/A as no development incentives are being requested.

- D. Land is provided for major community facilities and schools.

Response: N/A as no development incentives are being requested.

- E. Total density shall not exceed eight dwelling units per acre. (Ord. 2005-34. Passed 12-12-05.)

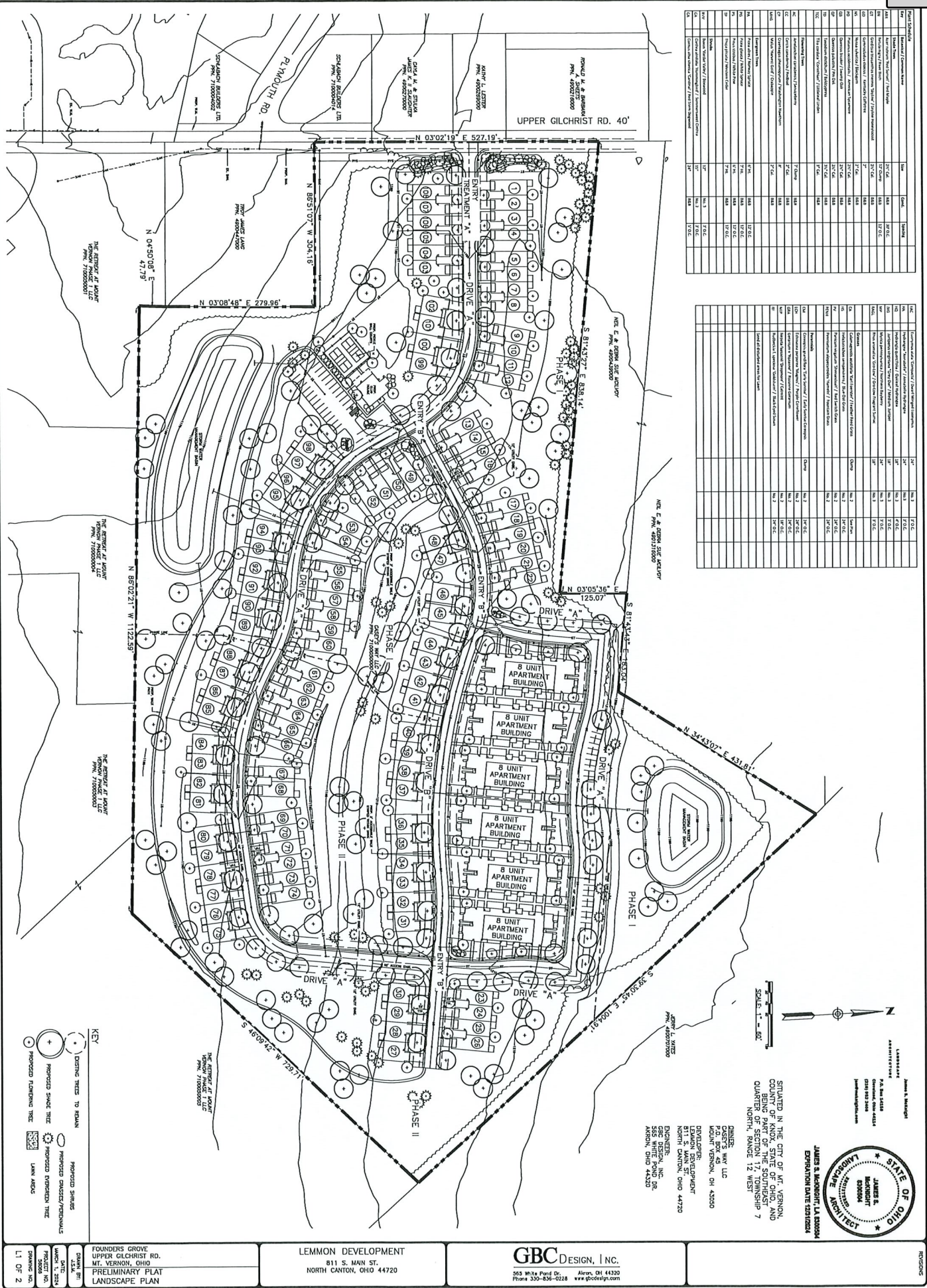
Response: N/A as no development incentives are being requested.



CITY OF
MOUNT VERNON

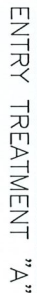
SITE



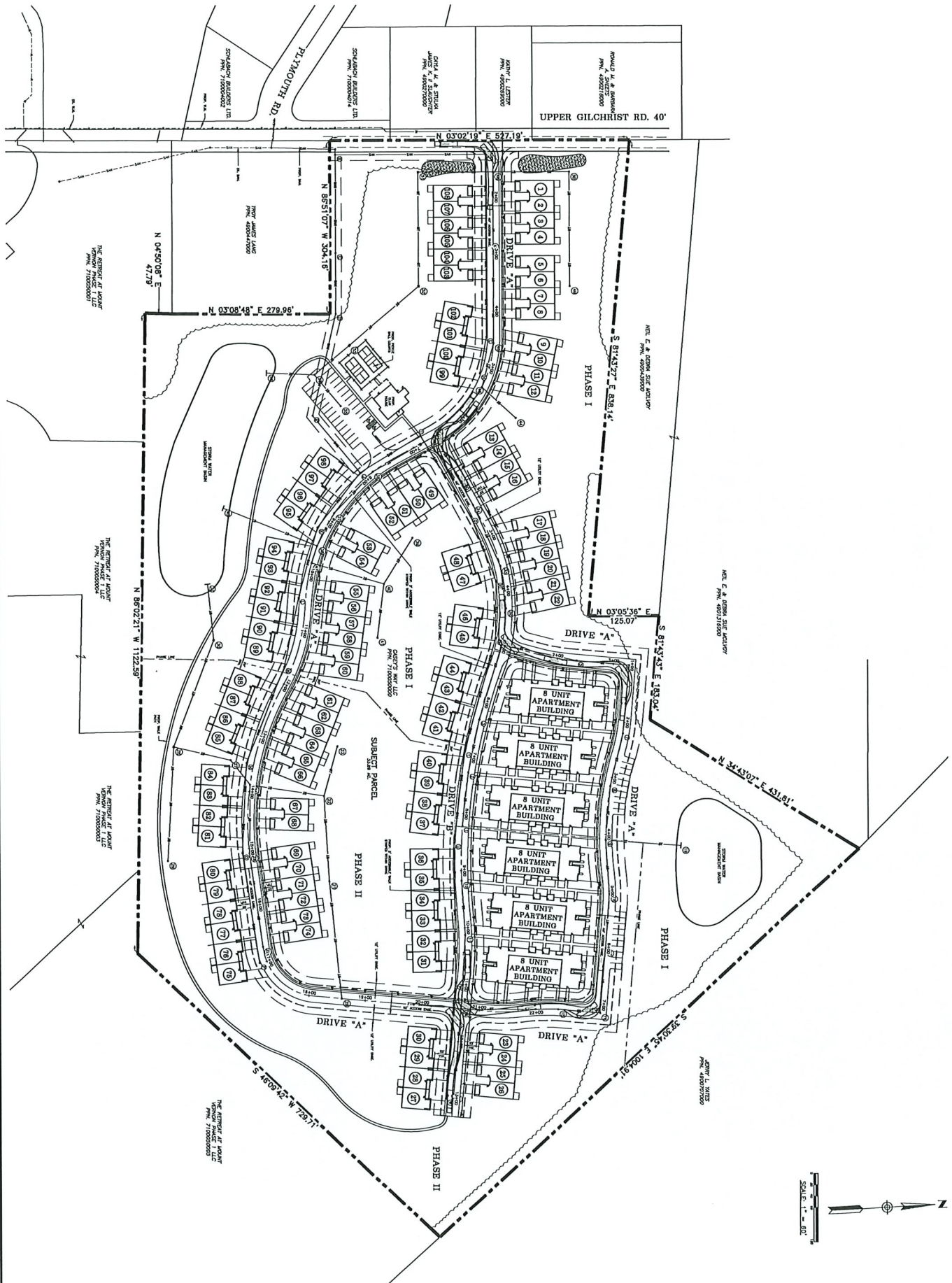




Packet Pg. 20



GBC DESIGN, INC.
565 White Pond Dr. Akron, OH 44320
Phone 339-836-0228 www.gbcdesign.com



ADJACENT PROPERTY OWNERS

PPN	PARCEL ADDRESS	OWNER	TAX MAILING ADDRESS
4900439000	UPPER GILCHRIST RD.	NEIL E. & DEBRA SUE MOILVOY	PO BOX 402, GAMBIER, OH 43022
4901316000	12092 UPPER GILCHRIST RD.	NEIL E. & DEBRA SUE MOILVOY	PO BOX 402, GAMBIER, OH 43022
4900707000	COSHOCKTON RD.	JERRY L. YATES	12576 UPPER GILCHRIST RD., MOUNT VERNON, OH 43050
7100050005	UPPER GILCHRIST RD.	THE RETREAT AT MOUNT VERNON LLC	999 POLARIS PKWY., SUITE 200, COLUMBUS, OH 43240
7100050003	UPPER GILCHRIST RD.	THE RETREAT AT MOUNT VERNON LLC	999 POLARIS PKWY., SUITE 200, COLUMBUS, OH 43240
7100050004	UPPER GILCHRIST RD.	THE RETREAT AT MOUNT VERNON LLC	999 POLARIS PKWY., SUITE 200, COLUMBUS, OH 43240
7100050001	11850 UPPER GILCHRIST RD., MOUNT VERNON, OH 43050	THE RETREAT AT MOUNT VERNON PHASE 1 LLC	999 POLARIS PKWY., SUITE 200, COLUMBUS, OH 43050
4900447000	11990 UPPER GILCHRIST RD.	TROY JAMES LANG	18484 NEW GAMBIER RD., MOUNT VERNON, OH 43050
7100004014	PLYMOUTH RD.	SCHLABACH BUILDERS LTD	6678 STATE ROUTE 241, MILLERSBURG, OH 44654
4900270000	12000 UPPER GILCHRIST RD.	CAYLA M. & STULKA JAMES K. II ISLAUGHTER	THE HOME LOAN SAVINGS BANK ATTN: ESCROW DEPT., 413 MAIN ST. COSHOCTON, OH 43812
4900269000	12045 UPPER GILCHRIST RD.	KATHY L. LESTER	12045 UPPER GILCHRIST RD., MOUNT VERNON, OH 43050
4900216000	12067 UPPER GILCHRIST RD.	RONALD M. & BARBARA A. SHEETS	12067 UPPER GILCHRIST RD., MOUNT VERNON, OH 43050



RIDGE DUPLEX ELEVATION A



RIDGE DUPLEX ELEVATION B



RIDGE DUPLEX ELEVATION C

PLANNING SUBMISSION 03/01/24



JOHN D. ELSEY LICENSE #9492
EXPIRATION DATE 12/31/2025

PROJECT NO.	20006
DATE:	03/01/24
DRAWN BY:	JOHN D. ELSEY
CHECK:	JOHN D. ELSEY
PROJECT NO.	20006
DRAWING NO.	A801

FOUNDERS GROVE
UPPER GILCHRIST
MT. VERNON, OHIO
RIDGE DUPLEX VILLA
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PPN: -

GBC DESIGN, INC.
665 White Pond Dr. Akron, OH 44320
Phone 330-836-0228 www.gbcdesign.com



RIDGE QUADPLEX ELEVATION A



RIDGE QUADPLEX ELEVATION B



RIDGE QUADPLEX ELEVATION C

PLANNING SUBMISSION 03/01/24



FOUNDERS GROVE UPPER GILCHRIST MT. VERNON, OHIO RIDGE QUADPLEX VILLA	PPN: -	GBC DESIGN, INC. 665 White Pond Dr. Akron, OH 44320 Phone 330-836-0228 www.gbcdesign.com
DRAWING NO. A802	DATE: 03/01/24	PROJECT NO. 9492
DRAWN BY: JDE	DATE: 03/01/24	PROJECT NO. 9492
JOHN D. ELSEY EXPIRATION DATE 12/31/2025		



ROSE DUPLEX ELEVATION A



ROSE DUPLEX ELEVATION B



ROSE DUPLEX ELEVATION C

PLANNING SUBMISSION 03/01/24



FOUNDERS GROVE UPPER GILCHRIST MT. VERNON, OHIO	PPN: -
ROSE DUPLEX COPYRIGHT © 2024 GBC DESIGN, INC.	
DRAWN BY: GDC	
DATE: 03/01/24	
PROJECT NO. 50068	
DRAWING NO. A804	

GBC DESIGN, INC.	
665 White Pond Dr. Akron, OH 44320 Phone 330-636-0228 www.gbcdesign.com	



ROSE QUADPLEX ELEVATION A



ROSE QUADPLEX ELEVATION B

Attachment: 03-25-24 Attachment A (2024-37 : Upper Gilchrist PND Plan Approval)

PLANNING SUBMISSION 03/01/24

DRAWING NO. A805	DRAWING BY: GBC	FOUNDERS GROVE UPPER GILCHRIST MT. VERNON, OHIO	PPN: -		665 White Pond Dr. Akron, OH 44320 Phone 330-836-0228 www.gbcdesign.com
PROJECT NO. 50056	DATE 03/01/04	ROSE QUADPLEX COPYRIGHT © 2004 GBC DESIGN, INC. THIS DOCUMENT IS THE PROPERTY OF GBC DESIGN, INC. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM GBC DESIGN, INC.			



ROSE (6) UNIT ELEVATION



PLANNING SUBMISSION 03/01/24

DRAWING NO. A806	PROJECT NO. 9492	DATE 03/01/24	DRAWN BY JDE	CHECKED BY JDE	PPN: -	FOUNDERS GROVE UPPER GILCHRIST MT. VERNON, OHIO ROSE (6) UNIT Copyright © 2024 GBC Design, Inc.	GBC DESIGN, INC. 665 White Pond Dr. Akron, OH 44320 Phone 330-836-0228 www.gbcdesign.com	REVISION

2024/03/01 11:01 PM S:\A\GBC\PROJECTS\UPPER GROVE\3D\RENDERING\APARTMENTS UNIT SIDE VIEW.PNG

APARTMENTS - (8) UNIT SIDE VIEW



APARTMENTS - (8) UNIT END VIEW



JOHN D. ELSEY LICENSE #4492
EXPIRATION DATE 12/31/2025

PLANNING SUBMISSION 03/01/24

DRAWING NO. A807	PROJECT NO. 58555	DATE 03/01/24	DESIGNER GBC	FOUNDERS GROVE UPPER GILCHRIST MT. VERNON, OHIO	PPN: -	GBC DESIGN, INC. 665 White Pond Dr. Akron, OH 44320 Phone 330-838-0228 www.gbcdesign.com	REVISIONS
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2024/01/24 11:47 PM - VIA GBC DESIGN, INC. - 663 White Pond Dr., Akron, OH 44320 - 330-836-0228 - www.gbcdesign.com

CLUBHOUSE FRONT



Attachment: 03-25-24 Attachment A (2024-37 : Upper Gilchrist PND Plan Approval)



PLANNING SUBMISSION 03/01/24

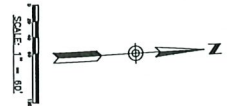
DRAWING NO. A808	DATE 03/01/24	PROJECT NO. 50008	DESIGNER JOHN D. ELSEY P.E.	PPN: -	FOUNDERS GROVE UPPER GILCHRIST MT. VERNON, OHIO CLUBHOUSE COPYRIGHT © 2024 GBC DESIGN, INC. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM GBC DESIGN, INC.	GBC DESIGN, INC. 663 White Pond Dr. Akron, OH 44320 Phone 330-836-0228 www.gbcdesign.com	REVISIONS
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SITUATED IN THE CITY OF MT. VERNON,
COUNTY OF KNOX, STATE OF OHIO, AND
BEING PART OF SECTION 7
TOWNSHIP 12 NORTH, RANGE 12 WEST

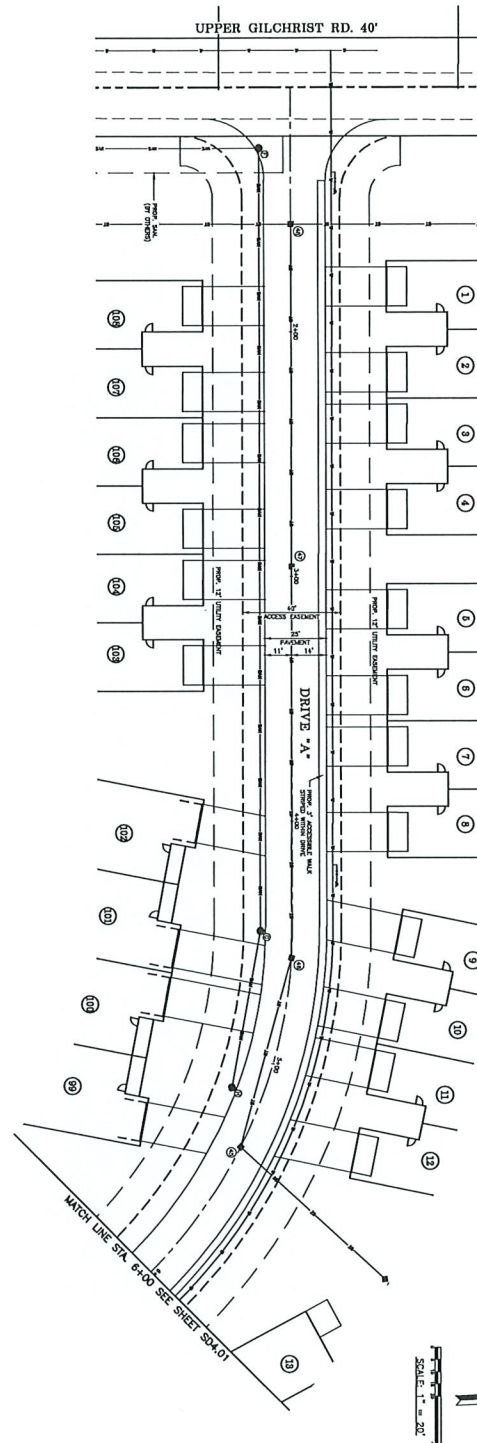


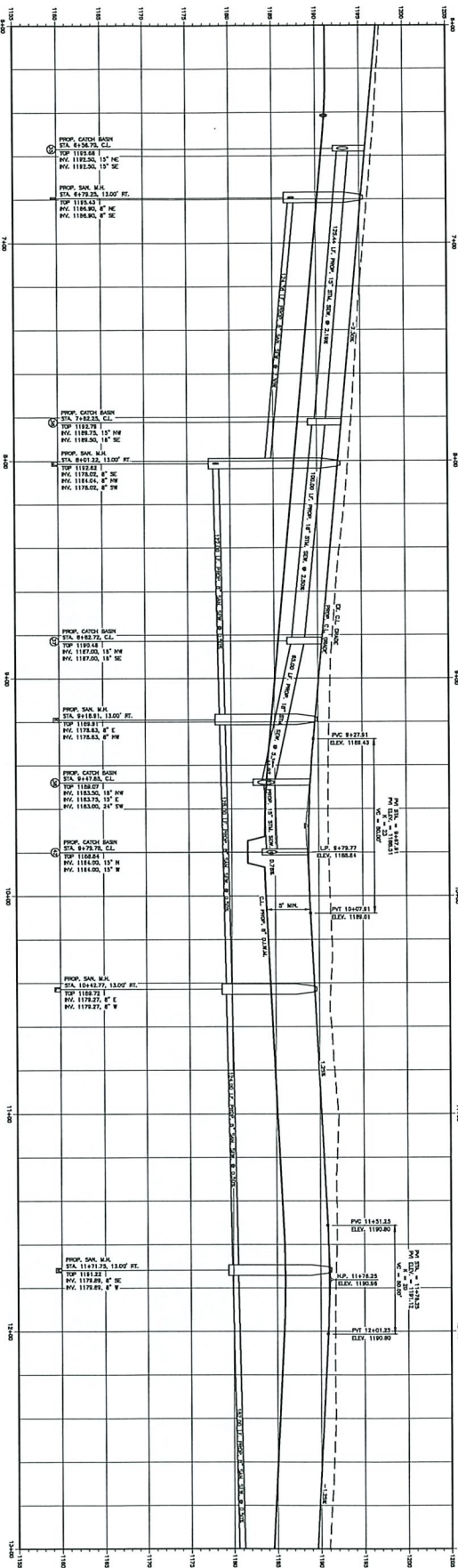
OWNER:
GILCHRIST WAY LLC
101.000.000.000, OH 43000
DEVELOPER:
LEMON DEVELOPMENT
811 S. MAIN ST.
NORTH CANTON, OHIO 44720
DESIGNED/DRAWN BY:
GBC DESIGN, INC.
555 WHITE POND DR.
AKRON, OHIO 44320



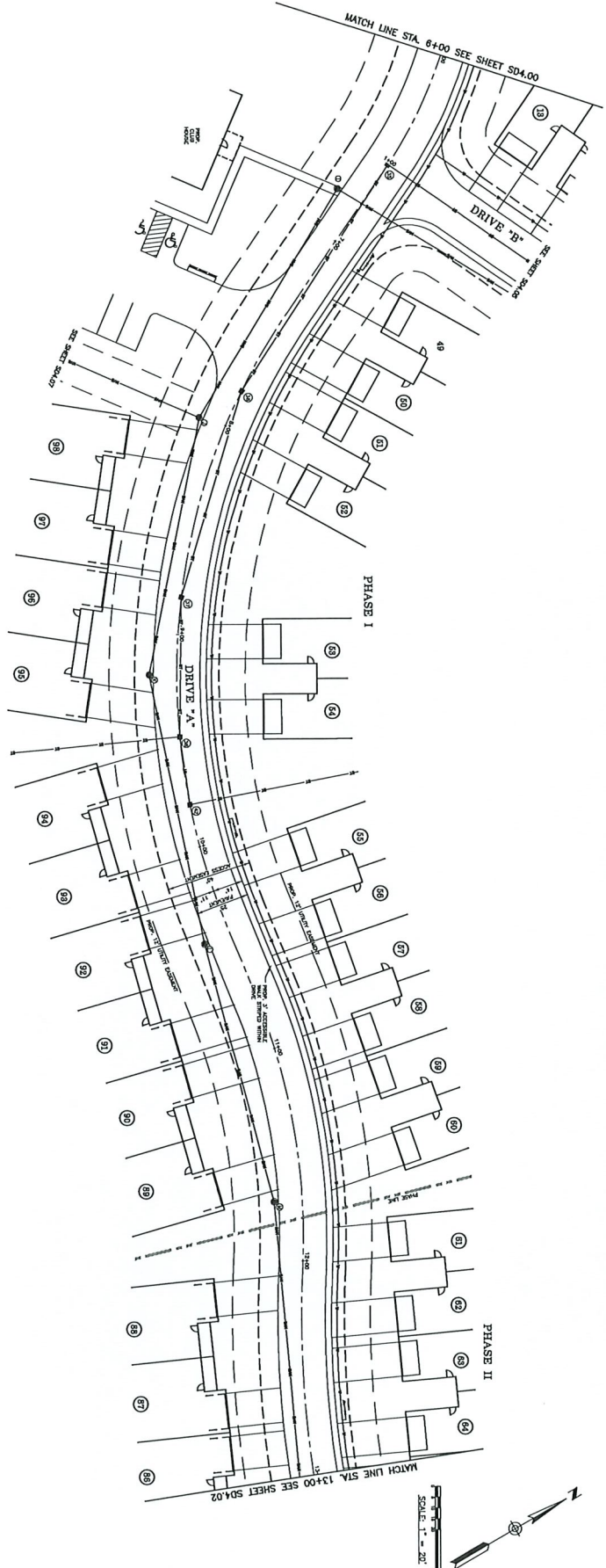
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ROAD A (STA. 6+00 TO 18+00)



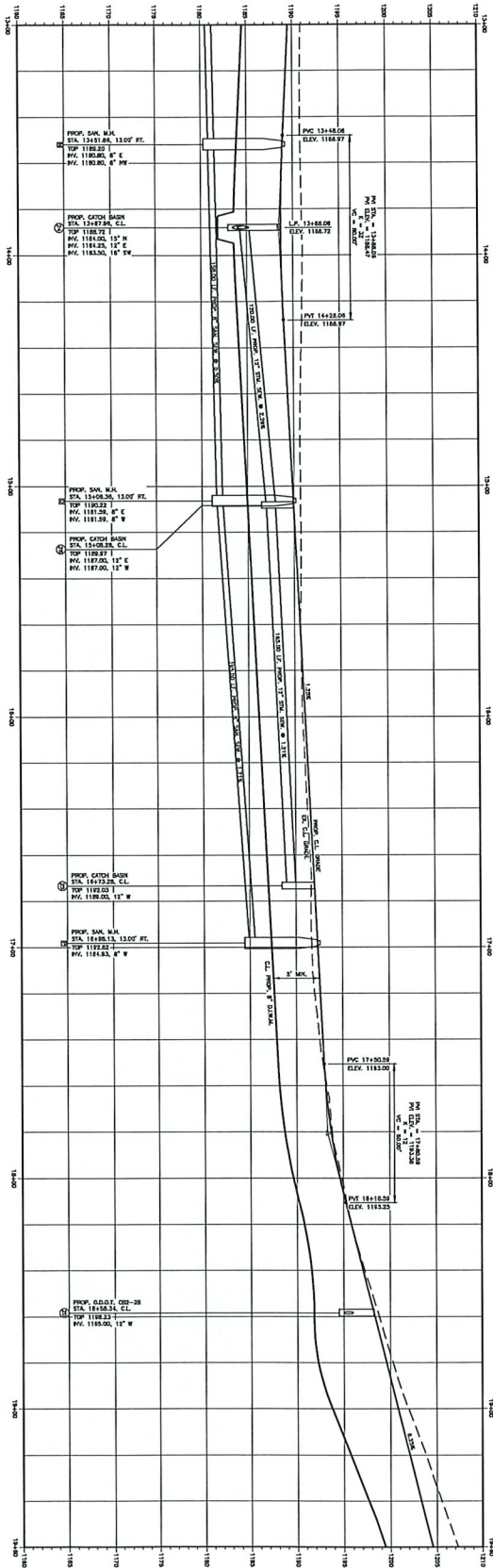
SD4.01

FOUNDERS GROVE
UPPER GILCHRIST RD.
MT. VERNON, OHIO
PRELIMINARY PLAT
PLAN & PROFILE

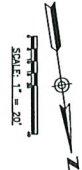
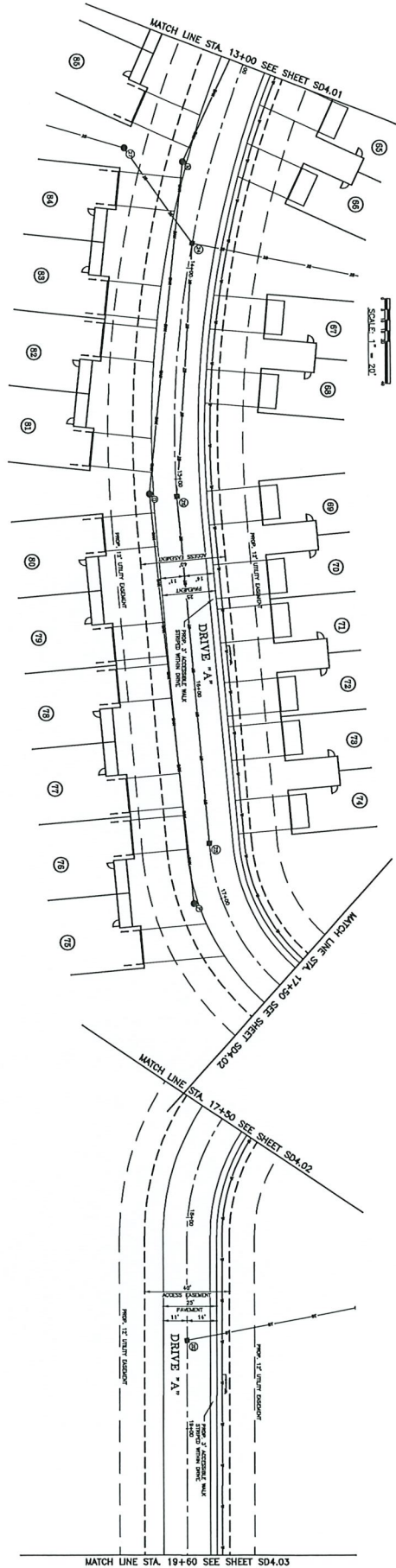
LEMMON DEVELOPMENT
811 S. MAIN ST.
NORTH CANTON, OHIO 44720

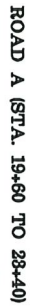
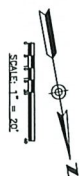
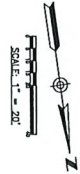
GBC DESIGN, INC.
550 White Pond Dr.
Akron, OH 44330
Phone 330-458-6228
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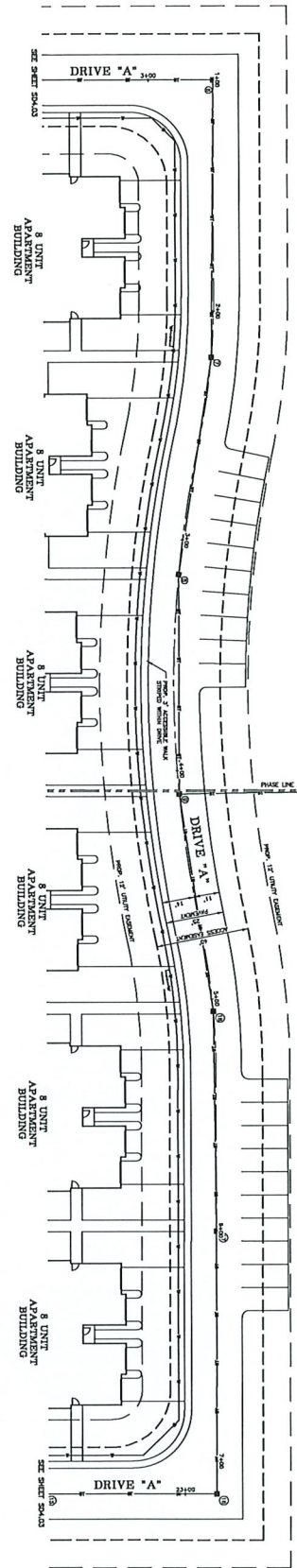
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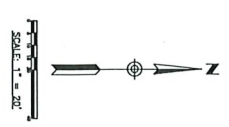
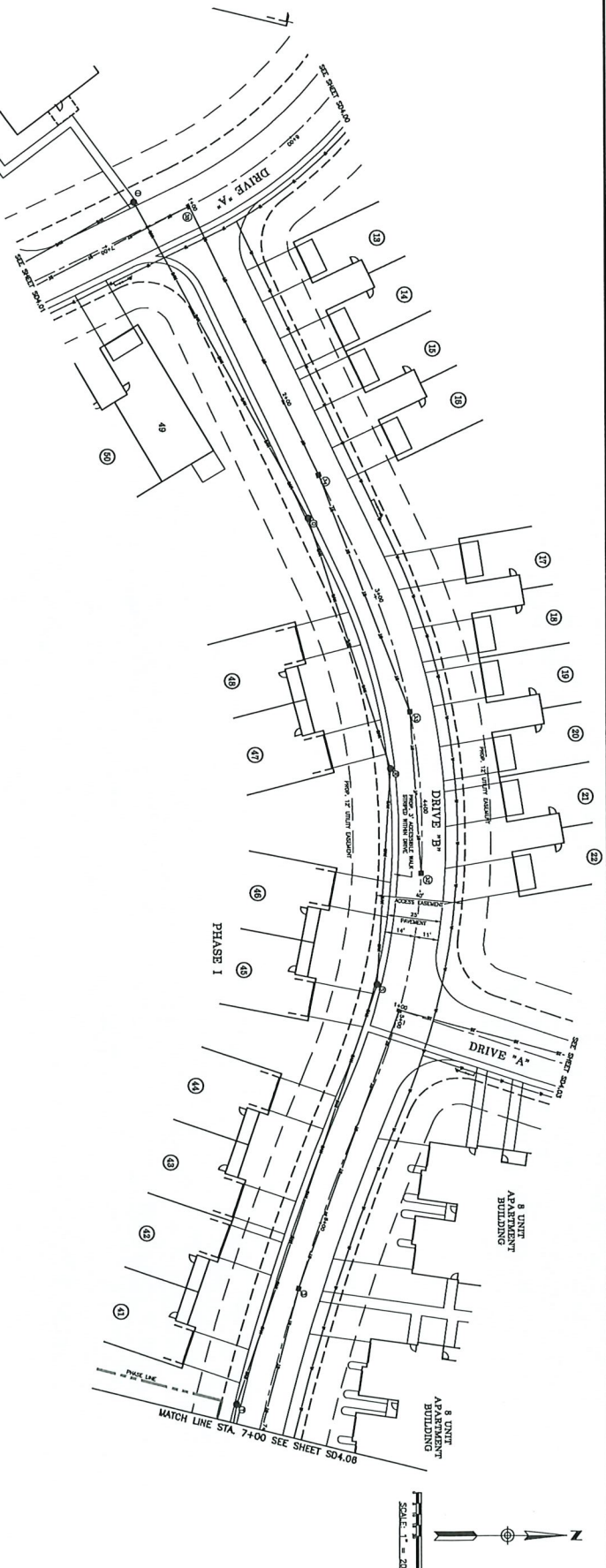
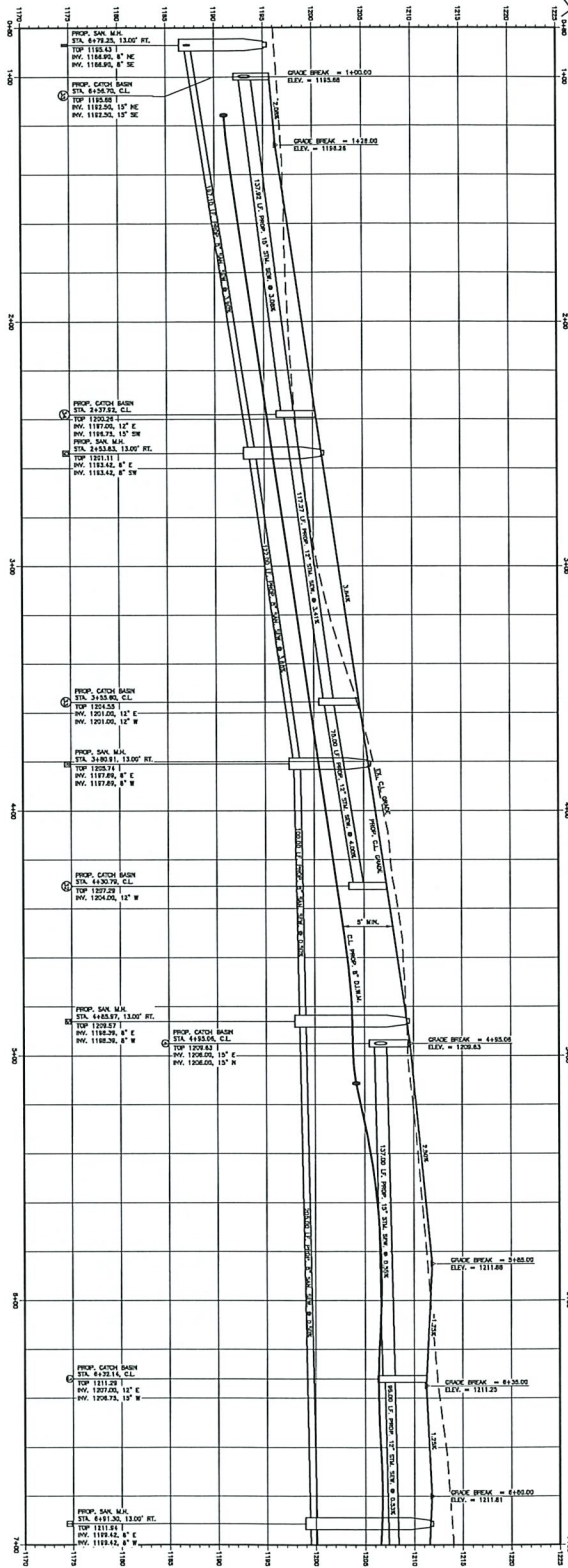


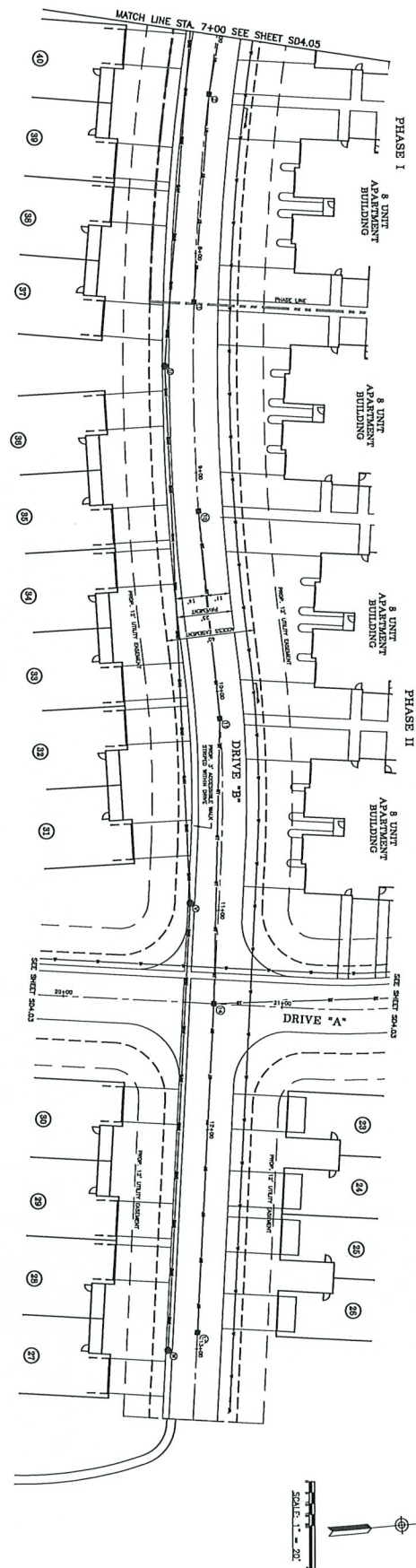
ROAD A (STA. 18+00 TO 19+60)



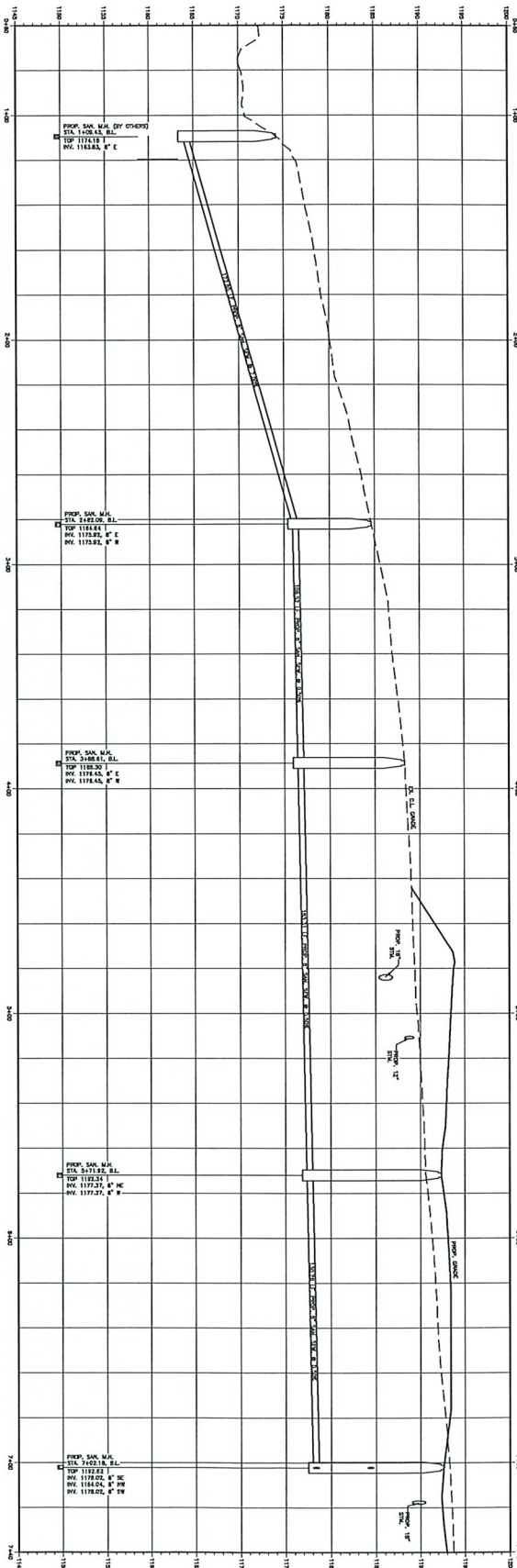




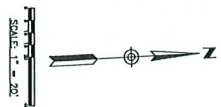
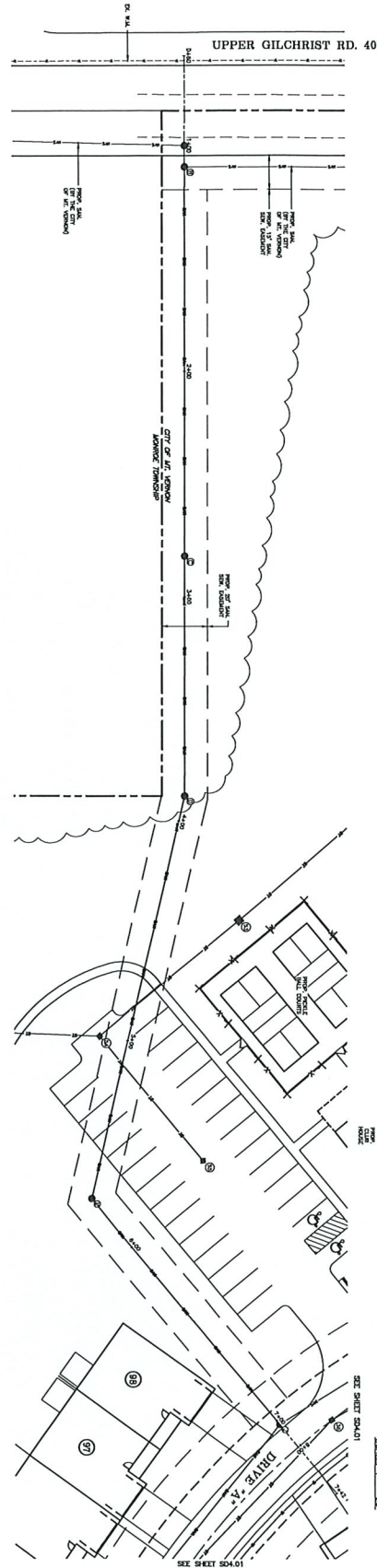




ROAD B (STA. 7+00 TO 13+80)



SANTARY BASELINE A (STA. 0+00 TO 7+40)





City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2024-44

Meeting: 04/22/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4008

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO DISPOSE OF A VEHICLE IN THE POLICE DEPARTMENT NOT NEEDED FOR PUBLIC USE BY THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 721.01 and 721.15 authorize municipalities to dispose of personal property and vehicles no longer needed for municipal use.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Council finds that the City of Mount Vernon Police Department owns the following vehicle that is no longer needed for public use. Council also finds that the value of the vehicle is in excess of \$1,000.00.

2009 Suzuki Red Boulevard Motorcycle VIN: JS1VS55A592104929

SECTION 2: That the Safety-Service Director for the City of Mount Vernon be authorized and directed to sell or dispose of the vehicle pursuant to any method authorized by Revised Code Section 721.15.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason of expediting the sale or trade of this item to return the proceeds to constructive use by the City, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-44, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-44, with a second by Woods. Safety-Service Director Tanner Salyers commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 04/22/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Grant
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4009

ADOPTED

RESOLUTION 2024-45

A RESOLUTION TO SUBMIT AN APPLICATION FOR PY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION, CRITICAL INFRASTRUCTURE AND ALLOCATION FUNDS; AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio Department of Development has program year 2024 (PY 2024) funds available as part of the Community Development Block Grant (CDBG) Program, and

WHEREAS, the City of Mount Vernon is eligible to apply for up to \$750,000 in PY 2024 CDBG Neighborhood Revitalization Grant funds, providing the City meets all applicable requirements, and

WHEREAS, the City of Mount Vernon is eligible to apply for up to \$500,000 in PY 2024 CDBG Critical Infrastructure funds, providing the City meets all applicable requirements, and

WHEREAS, the City of Mount Vernon is eligible to apply for up to \$150,000 in PY 2024 CDBG Allocation funds, providing the City meets all applicable requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: To hereby pass, as an official act, the filing of a PY 2024 Community Development Block Grant Neighborhood Revitalization Grant, Critical Infrastructure Grant and Allocation Grant.

SECTION 2: The City understands all conditions and requirements of the PY 2024 Community Development Block Grant programs and certifies that it will comply with all such assurances of the program.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the City must indicate its participation in this program no later than June 1, 2024 to be eligible for funding, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-45, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-45, with a second by Woods. Engineer Brian Ball noted that the various Community Development Block Grant funds would be used for sidewalk construction on East Vine Street, sewer and park improvements on the north side of West High Street, and brick street maintenance. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 04/22/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
Category: Reappointment
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4012

ADOPTED

RESOLUTION 2024-46

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF BRIAN BALL AND LACIE BLANKENHORN TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) DISTRICT 17 INTEGRATING COMMITTEE, PER OHIO REVISED CODE 164.04(6); AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Council for the City of Mount Vernon confirms the Mayor's re-appointment of Brian Ball, City Engineer, as a member of the OPWC District 17 Integrating Committee, for a three-year term, commencing May 31, 2024, and ending May 31, 2027.

SECTION 2: That the Council for the City of Mount Vernon confirms the Mayor's re-appointment of Lacie Blankenhorn, City Development Services Manager, as an alternate member of the OPWC District 17 Integrating Committee, for a three-year term, commencing May 31, 2024, and ending May 31, 2027.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Woods made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-46, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Resolution No. 2024-46, with a second by Keener. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tammy Woods, Third Ward
SECONDER:	Amber Keener, At Large
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2024-47

Meeting: 04/22/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 4015

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to transfer funds as follows:

1. From Account 701.2720.54118, Water Plant-Environmental Consultants, to Account 701.2740.55513, Line Improve or Extensions, in the amount of \$200,000.00.
2. From Account 710.3210.54118, Environmental Consultants, to Account 710.3210.55513, Lines, Channels, & Rivers, in the amount of \$350,000.00.
3. From Account 402.3600.54111, TIF-Improvements-Construction, to Account 402.3600.54115, TIF-Contract Engineer, in the amount of \$750,000.00.

SECTION 2: This Resolution provides for appropriations for the current expenses of the City, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon its date of passage and approval by the Mayor.

COMMENTS - Current Meeting:

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-47, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-47, with a second by Woods. Auditor Terry Scott commented on the legislation, noting that the transfers are needed for the infrastructure project in the Dan Emmett School neighborhood. Motion to adopt passed by a roll-call vot of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 04/22/24 7:30 PM
Dept: Parks and Recreation
Miller, Severns
Category: Parks
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4017

ADOPTED

RESOLUTION 2024-48

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT FROM THE ARIEL CORPORATION THE GIFT OF FUNDING FOR CONSTRUCTION AND MAINTENANCE OF A SPLASH PAD AT RIVERSIDE PARK; AND DECLARING AN EMERGENCY.

WHEREAS, the Ariel Corporation, in a letter dated April 18, 2024, as seen in Exhibit A, desires to fund \$1,315,000.00 for construction of a splash pad at Riverside Park and associated parts, also including a restroom facility, a pumphouse to also be used as a covered patio, seating, landscaping and the appropriate level of contingency; and

WHEREAS, the Ariel Corporation, in the same letter, commits to reserving and covering 10 years of maintenance costs at \$15,000 per year, to be provided annually with the distribution method determined at a later point.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety-Service Director of the City of Mount Vernon be and herewith is authorized and directed to accept the gift of this funding from the Ariel Corporation for the splash pad at Riverside Park, associated parts, and 10 years of maintenance costs at \$15,000 per year.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow bidding for the project to proceed as Ariel Corporation's funding commitment is contingent on completion of the project by May 11, 2025, the said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Miller made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-48, with a second by Severns. Motion to suspend passed by a roll-call vote of 7-0. Miller made a motion to adopt Resolution No. 2024-48, with a second by Severns. Motion to adopt passed by a roll-call vote of 7-0.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Mike Miller, Fourth Ward
SECONDER: Mel Severns, Councilman
AYES: Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman



April 18, 2024

Mayor Matt Starr
City Engineer Brian Ball
40 Public Square
Mount Vernon, OH 43050

Mayor / Brian –

Ariel Corporation is offering a commitment to fund \$1,315,000 (one million, three hundred and fifteen thousand dollars) for construction of a splash pad and associated parts. This would also include a restroom facility and pumphouse which is also used as a covered patio. Funding is also to cover other seating, landscaping and the appropriate level of contingency.

In addition to this funding Ariel Corporation commits to reserving and covering 10 years of maintenance costs at \$15,000 (fifteen thousand dollars) per year. This funding will be provided annually with the distribution method determined at a later point.

This project has great significance to the Wright Family and Ariel Corporation as it is done to honor the memory of Hunter Wright. As such the design of the splash pad would be a previously reviewed pirate theme with the name of Captain Hunter's Landing.

This commitment is contingent on completion by May 11, 2025. Should the project not be complete at this point any outstanding amounts will be withheld and the maintenance commitment withdrawn.

We look forward to partnering with the City on such a meaningful project.

Please contact me with any additional questions.

Sincerely,

Brian Huprich
Chief Financial Officer
Ariel Corporation
bhuprich@arielcorp.com
740.397.0311

Attachment: Ariel Splash Pad Commitment Letter 041824 (2024-48 : Accept Funding for Splash Pad)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2024-49

Meeting: 04/22/24 7:30 PM
Dept: Parks and Recreation
Miller, Severns
 Category: Bid/Contract
 Prepared By: Todd Hill
 Initiator: Todd Hill
DOC ID: 4018

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CONSTRUCTION OF A SPLASH PAD AT RIVERSIDE PARK; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety-Service Director for the City of Mount Vernon is hereby authorized and directed to advertise for bids and enter into contract for construction of a splash pad at Riverside Park.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow bidding for the project to proceed as Ariel Corporation's funding commitment is contingent on completion of the project by May 11, 2025, the said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Miller made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-49, with a second by Severns. Motion to suspend passed by a roll-call vote of 7-0. Miller made a motion to adopt Resolution No. 2024-49, with a second by Severns. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Miller, Fourth Ward
SECONDER:	Mel Severns, Councilman
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-18

Meeting: 04/22/24 7:30 PM
Dept: Fire, Police and Civil Defense
Mahan, Seavolt
 Category: Police
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 3998

AN ORDINANCE REPEALING CHAPTER 551 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, STATE OF OHIO.

WHEREAS, Chapter 551 of the Codified Ordinances of the City of Mount Vernon was adopted by Ordinance 2019-27 on June 24, 2019 to regulate chronic nuisance properties within the City; and

WHEREAS, the Chief of Police, Chair of Council's Police and Fire Committee, and City Law Director reviewed Chapter 551 and determined that it is not able to be enforced as it was envisioned by Council; and

WHEREAS, after discussion, review and further consideration, Council deems it acceptable and appropriate to repeal Chapter 551 of the Codified Ordinances of the City of Mount Vernon, Knox County, State of Ohio in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF MOUNT VERNON, STATE OF OHIO:

SECTION 1: That the entire Chapter 551 of the Codified Ordinances of the City of Mount Vernon, entitled Chronic Nuisance Properties, as set forth in the attached Exhibit A, is hereby repealed.

HISTORY:

04/08/24 City Council FIRST READING

Ordinance No. 2024-18 was given a first reading. Mahan requested a 10-minute meeting of the Fire, Police and Civil Defense Committee on the legislation for April 22, 2024.

COMMENTS - Current Meeting:

Ordinance No. 2024-18 was given a second reading.

RESULT: SECOND READING

Next: 5/13/2024 7:30 PM

CHAPTER 551

Chronic Nuisance Properties

- 551.01** Definitions.
- 551.02** Violation.
- 551.03** Procedure.
- 551.04** Burden of proof; affirmative defenses.
- 551.05** Impact.
- 551.06** Other penalties.

551.01 DEFINITIONS.

(a) CHRONIC NUISANCE PROPERTY.

- (1) Property on which three or more nuisance activities and/or two felony drug activities have occurred during any six month period; or
- (2) Property on which any person associated with the property has engaged in three or more nuisance activities within any six month period.

(b) NUISANCE ACTIVITIES. Any of the following activities, behaviors, or criminal conduct:

- (1) Any falsification violation under Section 525.02, obstruction of official business violation under Section 525.07, obstructing justice violation under Section 525.08, resisting arrest violation under Section 525.09, compliance with lawful order of Police Officer - fleeing violation under Section 303.01, misuse of 9-1-1 System violation under Section 537.12, failure to disclose personal information violation under Section 525.17 of the Codified Ordinances;
 - (2) Any alcohol violations under Chapter 529 of the Codified Ordinances;
 - (3) Any animal violations under Chapter 505 of the Codified Ordinances;
 - (4) Any drug violation under Chapter 513 of the Codified Ordinances;
 - (5) Any gambling violation under Chapter 517 of the Codified Ordinances;
 - (6) Any offense against another person under Chapter 537 of the Codified Ordinances, excluding any Chapter 537 offenses where the person in charge or person associated with the property is a victim of the offense and not the perpetrator;
 - (7) Any violation under Section 521.14 of the Codified Ordinances, illegal distribution of cigarettes or other tobacco products;
 - (8) Any disorderly conduct, disturbance of the peace, or other violation under Chapter 509 of the Codified Ordinances;
 - (9) Any health, safety, or sanitation violation under Chapter 521 of the Codified Ordinances;
 - (10) Any sex offense under Chapter 533 of the Codified Ordinances;
 - (11) Any weapons, explosives, firearm, or handgun violation under Chapter 549 of the Codified Ordinances;
 - (12) Any activity or violation indicated to be a public nuisance anywhere in the Codified Ordinances; or
 - (13) Any activity or violation listed above under the corresponding sections of the Ohio Revised Code.
- (c) PERMIT. To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

(d) PERSON. Any natural person, agent, association, firm, partnership, or corporation capable of owning, occupying, or using property.

(e) PERSON IN CHARGE. Any person, in actual or constructive possession of a property, including but not limited to an owner or occupant of a property under his or her dominion, ownership, or control.

(f) PERSON ASSOCIATED WITH. Any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize, or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner thereof.

(g) PROPERTY or PREMISES. These terms may be used interchangeably in this chapter. Any public or private building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as a residential or commercial property, Property consisting of more than one unit shall be limited to the unit or portion of the property on which any nuisance activity occurs.

(h) FELONY DRUG ACTIVITY. Any violation charged under Ohio R.C. Chapters 2925 or 3917, the penalty for which includes the possibility of incarceration in a penitentiary. This includes, but is not limited to, possession of a controlled substance, permitting drug abuse, trafficking drugs, corrupting another with drugs, illegal manufacture of drugs, and illegal assembly of chemicals. (Ord. 2019-27. Passed 6-24-19.)

551.02 VIOLATION.

- (a) Any property which is a chronic nuisance property is in violation of this section and subject to its remedies.
- (b) Any person in charge who permits property to be a chronic nuisance property shall be in violation of this section and subject to its remedies.
- (Ord. 2019-27. Passed 6-24-19.)

551.03 PROCEDURE.

(a) The Chief of Police or his designee, upon finding that two or more nuisance activities, or one felony drug activity, declared in this section have occurred within any six month period, may cause a written notice and order to be served on the owner of the property declaring that such property is a nuisance property. The notice shall contain the following information:

- (1) The street address or a legal description sufficient to identify the property.
 - (2) A statement detailing the nature of the nuisances, the estimated costs to abate any future nuisances, and that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section.
 - (3) A statement that if a third or subsequent nuisance activity or second felony drug activity as declared in this section occurs, within six months of the dates of the first two nuisance activities or first felony drug activity, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property.
- (b) Notice shall be deemed properly served by the following methods:
- (1) Sent by first class mail to the address of the owner as listed in the County Auditor's office; and
 - (2) Posted on the front door or other conspicuous location of the property that is subject to the notice; or
 - (3) Delivered in person to the owner.
- (c) Return of service shall be made by affidavit of the person serving, mailing or posting such notice, and when notice is given by mail, such affidavit shall identify the property by County Auditor's parcel number and shall show the name and address of the person to whom the notice was mailed and the date of mailing.
- (d) If within six months after the two nuisances or first felony drug activity referred to in division (a) of this section has occurred, a third nuisance activity or second felony drug activity as declared in this section occurs, the City shall notify the owner that the property has been deemed a chronic nuisance property and direct the owner to abate the nuisance. If the owner has not done so within thirty days, the City may abate the nuisance by responding to the activity using administrative and law enforcement actions.

- (1) Notice shall be posted on the premises or at the site of the nuisance directing the responsible party to abate the nuisance. A copy of the notice shall be forwarded by first class mail to the address of the owner as listed in the County Auditor's office. Personal service may be used in lieu of posting and mailing.
 - (2) The notice to abate shall contain:
 - A. The street address or a legal description sufficient to identify the property.
 - B. A direction to abate the nuisance within thirty calendar days from the date of the notice.
 - C. A description of the nuisance.
 - D. A statement that, unless the nuisance is removed, the City may abate the nuisance and the cost of abatement shall be charged to the owner or assessed against the property, or both.
 - (e) The owner of a nuisance property who receives a notice from the Chief of Police or his designee pursuant to this section may appeal such notice by submitting a written request for reconsideration to the Safety-Service Director within thirty days of the date of the notice. If the Safety-Service Director finds that the facts presented do not support the declaration of a nuisance, the Director shall rescind the notice. Otherwise, the Safety-Service Director shall deny the request. Any appeal from the decision of the Safety-Service Director shall proceed pursuant to Chapter 2506 of the Ohio Revised Code. Any such appeal shall not stay any actions by the City to abate any subsequent nuisance activity.
- (Ord. 2019-27. Passed 6-24-19.)

551.04 BURDEN OF PROOF; AFFIRMATIVE DEFENSES.

- (a) In an action under this section, the City shall have the initial burden of proof to show by a preponderance of the evidence that a violation under that section has occurred.
- (b) The City shall be deemed to have failed to have met this standard if the owner demonstrates by a preponderance of the evidence that:
- (1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice;
 - (2) He or she has knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or
 - (3) He or she had no knowledge of the nuisance activity and could not, with reasonable care and diligence; have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance

including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A) (9).

(c) If the owner performed a background check prior to leasing and is in the process of eviction, either at the time of the third nuisance/second felony drug activity or as a result of the third nuisance/second felony drug activity, the City shall not deem the property a chronic nuisance. (Ord. 2019-27. Passed 6-24-19.)

551.05 IMPACT.

(a) Once a property has been determined to be a chronic nuisance property, the owner of that property shall be charged for the actual cost of each subsequent service by the City for a nuisance or felony drug activity for that property.

(b) The Chief of Police or his or her designee shall also assess a civil penalty against an owner who violates any provision of this chapter or fails to obey any order to abate a chronic nuisance. Assessments for nuisance activities shall be imposed based on the number of nuisance or felony drug activities that occur on that property after it has been deemed a chronic nuisance property. The assessment shall be issued as follows:

- (1) For the first nuisance or felony drug activity, a civil penalty against the owner of one hundred and fifty dollars (\$150.00) shall be imposed;
- (2) For the second nuisance or felony drug activity, a civil penalty against the owner of two hundred and fifty dollars (\$250.00) shall be imposed;
- (3) For the third nuisance or felony drug activity, a civil penalty against the owner of five hundred dollars (\$500.00) shall be imposed;
- (4) For the fourth nuisance or felony drug activity, a civil penalty against the owner of seven hundred and fifty dollars (\$750.00) shall be imposed;
- (5) For each nuisance or felony drug activity after the fourth, a civil penalty against the owner of one thousand dollars (\$1,000) shall be imposed.

(c) The determination that a premises is a chronic nuisance subject to remittance for the cost of enforcement pursuant to this section and subject to civil penalties or criminal prosecution pursuant to this chapter shall be effective for a two year period beginning with the date the property is declared to be a chronic nuisance property.

- (1) If at any point during that two-year period another nuisance activity or felony drug activity occurs at the property, the two year period shall restart from the date of that activity. The two year period shall restart for any subsequent nuisance or felony drug activity.

(d) In addition to other relief ordered, a court of competent jurisdiction may authorize the City to physically secure the property against all access, use or occupancy in the event that the owner fails to do so within the time specified by the court. In the event that the City is authorized to secure the property, all costs reasonably incurred by the City to physically secure the property shall be paid to the City by the owner and maybe included in the City's money judgment, including court costs. The court may in its discretion, award attorney fees to the prevailing party. (Ord. 2019-27. Passed 6-24-19.)

551.06 OTHER PENALTIES.

(a) Whoever violates the provisions of this chapter is guilty of a minor misdemeanor and shall be fined one hundred and fifty dollars (\$150,00).

(b) A separate offense shall be deemed committed each day on which a violation occurs or continues.

(c) Permits, including those for occupancy, health, etc., granted to the owner may be subject to revocation based on the declaration that a property is a chronic nuisance property.

(d) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property do not affect or limit the City's right or authority to bring a criminal prosecution or other legal action against any person for violation of the City's ordinances or the Ohio Revised Code, including those provided for in Ohio R.C. 3767.06.

(Ord. 2019-27. Passed 6-24-19.)

CODIFIED ORDINANCES OF MOUNT VERNON



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 04/22/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan

Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill

ADOPTED

ORDINANCE 2024-19

DOC ID: 3999

AN ORDINANCE ESTABLISHING THE MOUNT VERNON JOB CREATION AND RETENTION TAX CREDIT PROGRAM AND MAKING RELATED AUTHORIZATIONS.

WHEREAS, the City of Mount Vernon, Ohio (the “City”) desires to establish economic development tools that will result in the creation and retention of employment opportunities in the City; and

WHEREAS, in furtherance of those efforts, the City has created various property tax abatement and tax increment financing programs to incentivize the development of property throughout the City; and

WHEREAS, Ohio Revised Code (“R.C.”) Section 718.15 authorizes the City to establish a job creation tax credit program to provide refundable or non-refundable credits against the City’s income tax to entities that create job opportunities in the City; and

WHEREAS, R.C. Section 718.151 authorizes the City to establish a job retention tax credit program to provide refundable or non-refundable credits against the City’s income tax to entities that retain job opportunities in the City; and

WHEREAS, this Council desires to establish a job creation and retention tax credit program pursuant to R.C Sections 718.15 and 718.151 to further the City’s economic development efforts and to create and retain job opportunities in the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT VERNON, KNOX COUNTY, OHIO, THAT:

SECTION 1: Program Establishment. The City hereby establishes the Mount Vernon Job Creation and Retention Tax Credit Program (the “Program”) pursuant to R.C. Sections 718.15 and 718.151 to be administered as provided in this Ordinance. The Program shall be made available to taxpayers in the City on a case-by-case basis, with tax credit terms negotiated and memorialized in a written agreement as specified herein.

SECTION 2: Tax Credit Terms. The maximum tax credit percentage shall be 50%, and the maximum tax credit term shall be ten (10) years. The City shall determine whether the tax credits offered are refundable or non-refundable on a case-by-case basis. The terms associated with any particular tax credit offered pursuant to the Program shall be at the discretion of the City based on the following factors:

- a. The number of full-time equivalent jobs being created and/or retained.
- b. The average hourly wage rate of employees being created and/or retained.

- c. The associated investment in land, building, machinery and/or infrastructure.
- d. The economic viability of the project.
- e. Any other factors reasonably determined by the City to be relevant.

SECTION 3: Limit on Job Retention Tax Credits. Preference shall be given to job creation tax credits. Credits for job retention projects shall be provided only in situations where, in the reasonable determination of the City, the credit is necessary to prevent a loss of jobs that would have an extraordinary negative impact on the City.

SECTION 4: Application; Tax Credit Agreement. Applicants for Program incentives shall complete an application (the “Application”) and enter into a written agreement (the “Agreement”) on forms developed by the City prior to signing a lease, purchasing a building or entering into a binding real estate contract. Each Application shall be reviewed by City staff, which shall make a recommendation to City Council for an appropriate term and tax credit percentage based on the factors described in Section 2 hereof. City Council shall then approve each Agreement based on such recommendation, with any changes made in Council’s sole discretion.

Each Agreement shall contain, at a minimum, the following:

- a. A requirement that the applicant make an investment in land, building, machinery and/or infrastructure in the City.
- b. A commitment to create and/or retain a defined number of full-time equivalent jobs in the City with a defined average hourly wage rate.
- c. A requirement that the applicant maintain operations at the site of the project for a term equal to at least half of the term of the tax credit after such tax credit expires (e.g., a recipient of an eight-year tax credit would need to maintain operations at the site for at least 12 years).
- d. A commitment to provide annual reporting information to the City as specified in Section 5 hereof.
- e. A cap on the overall maximum tax credits that may be claimed for each particular project.

SECTION 5: Annual Reporting; Tax Credit Certificate. Recipients of Program incentives shall provide information reasonably required by the City to calculate and award the tax credit. The City shall develop an annual report form that includes such information, which form shall be due from the taxpayer to the City no later than March 31st of the year following the calendar year to which the reporting information relates (e.g., the report filed on March 31, 2027 shall be based on job and payroll information as of December 31, 2026). The City shall then provide a tax credit certificate no later than thirty (30) days after receipt of the annual reports, which tax credit certificate shall be filed with the taxpayer’s return filed on December 31st.

SECTION 6: Effect of Failure to Materially Meet Obligations. If a recipient of Program incentives materially fails to meet its obligations under the Agreement, as reasonably determined by the City, the City may terminate the tax credit for some or all of the remaining years of the term of the tax credit specified in the Agreement. If a recipient fails to maintain operations at the

project site for the term specified in the Agreement, the recipient may be required to repay to the City all or a portion of the tax credits previously claimed. The remedies specified herein shall be included in each Agreement.

SECTION 7: Further Actions. The City Auditor, Law Director, Mayor or other appropriate officers of the City shall take such actions as may be necessary to implement the Program as provided in this Ordinance. This may include the preparation of Program guidelines that are consistent with the terms of this Ordinance for use by Program applicants.

SECTION 8: Open Meetings. City Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including R.C. Section 121.22.

SECTION 9: Effective Date. That this Ordinance shall take effect and be enforce from and after the earliest period allowed by law.

HISTORY:

04/08/24

City Council

FIRST READING

Ordinance No. 2024-19 was given a first reading. Keener requested a 10-minute meeting of the Land Use and Development Committee on the legislation for April 22, 2024.

COMMENTS - Current Meeting:

Keener made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-19, with a second by Mahan. Motion to suspend passed by a roll-call vote of 7-0. Keener made a motion to amend Ordinance No. 2024-19, with a second by Mahan. At the suggestion of Treasurer David Stuller, specifically, "shall" would be changed to "may" in the last sentence of Section 4 so that the sentence read, "City Council may then approve each Agreement based on such recommendation, with any changes made in Council's sole discretion." In addition, "return filed on December 31st" at the end of the last sentence in Section 5 would be changed to "next filed return," so that the sentence read, "The City shall then provide a tax credit certificate no later than thirty (30) days after receipt of the annual reports, which tax credit certificate shall be filed with the taxpayer's next filed return." Motion to amend passed by a roll-call vote of 7-0.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-20

Meeting: 04/22/24 7:30 PM
Dept: Fire, Police and Civil Defense
Mahan, Seavolt
 Category: Fire
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 4006

AN ORDINANCE TO AUTHORIZE THE MOUNT VERNON FIRE DEPARTMENT TO COLLECT FEES FOR REQUIRED INSPECTIONS AND TESTS; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio, that:

SECTION 1: That the Mount Vernon Fire Department is authorized to collect fees for required inspections and tests. The party requesting the inspection of test shall pay a fee in accordance with a fee schedule fixed from time to time by the Board of Control in order to recover the Mount Vernon Fire Department's costs related to the required inspections and tests.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason to allow the City's Fire Department to collect fees for required inspections, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

04/08/24 City Council **FIRST READING**

Ordinance No. 2024-20 was given a first reading. Mahan requested a five-minute meeting of the Fire, Police and Civil Defense Committee on the legislation for April 22, 2024.

COMMENTS - Current Meeting:

Ordinance No. 2024-20 was given a second reading.

RESULT: SECOND READING

Next: 5/13/2024 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-21

Meeting: 04/22/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan
 Category: Planning and Zoning
 Prepared By: Todd Hill
 Initiator: Todd Hill
DOC ID: 4010

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCEL #66-07961.000, ALSO KNOWN AS 0 VERNONVIEW DRIVE, FROM THE PRESENT ZONING OF R-1 - SINGLE FAMILY DISTRICT, TO PND - PLANNED NEIGHBORHOOD DISTRICT.

WHEREAS, the Council of the City of Mount Vernon has received an application for rezoning certain property within the City of Mount Vernon, specifically Parcel #66-07961.000, also known as 0 Vernonview Drive; and

WHEREAS, the Municipal Planning Commission for the City of Mount Vernon met on April 11, 2024 and voted 4-1 to approve the zoning change for Parcel #66-07961.000 from R1 - Single Family District, to PND - Planned Neighborhood District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the City of Mount Vernon hereby amends the zoning classification of Parcel #66-07961.000, also known as 0 Vernonview Drive. The zoning will be as indicated:

<u>PARCEL NO.</u>	<u>PROPOSED ZONING</u>
#66-07961.000	PND - Planned Neighborhood District

SECTION 2: That the zoning classification be recorded in Title XI of the Planning and Zoning Codes of the Codified Ordinances of the City of Mount Vernon.

COMMENTS - Current Meeting:

Ordinance No. 2024-21 was given a first reading. Keener requested a five-minute meeting of the Land Use and Development Committee on the legislation for May 13, 2024.

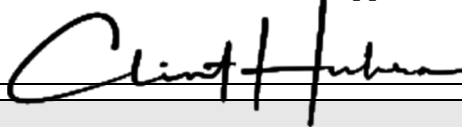
RESULT: FIRST READING

Next: 5/13/2024 7:30 PM



City of Mount Vernon, Ohio

Application for Zoning Amendment

<i>Applicant's Information</i>			
Owner's Name, Address, Phone, and Email Address			
ARISTA VILLAS MOUNT VERNON LLC		office@knequity.com	
100 INTERNATIONAL DR		888.299.2403	
23RD FLOOR			
BALTIMORE MD 21202			
Agent's Name, Address, Phone, and Email Address			
Clint M Huhra		clint@knequity.com	
2344 York Road		410.322.1501	
Timonium, MD 21093			
<i>Site Information</i>			
Site Address		Legal Description	
0 VERNONVIEW DR MOUNT VERNON OH 43050		NW PT NE OF 25 39.916AC	
Parcel Number		Deed Volume and Page Number	
66-07961.000		1974/559	
<i>Use of Property</i>			
Present Use		Present Zoning District	
Vacant Land		R1	
Proposed Use		Proposed Zoning District	
Mixed Use Neighborhood - SFD/Towns/Multifamily		Planned Neighborhood District (PND)	
<i>Documents to be Submitted</i>			
The following documents must also be submitted with this application: 1. A statement of the reason(s) for the proposed amendment. 2. A vicinity map at a scale approved by the Zoning Enforcement Officer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Enforcement Officer may require. 3. A statement on the ways in which the proposed amendment relates to the comprehensive plan. 4. The \$150.00 filing fee as established by ordinance.			
I hereby certify that the information submitted on this application and on any sketches, drawings or other documents submitted with this application is true and exact. Date:  By: Clint M Huhra			
<i>Filing Information</i>			
Filing Date	Fee deposit	Date Paid	Receipt Number
3/22/2024	\$150.00		

This form revised 04-11-2023

Attachment: 04-22-24 0 Vernonview Drive (2024-21 : Rezone 0 Vernonview Drive)

Arista Villas Mount Vernon, LLC Application for Zoning Amendment

Arista Villas Mount Vernon LLC has submitted a proposal for a zoning amendment to permit the existing property to host a blend of housing options for the community. Under this proposed amendment, we, as the developer, would have the opportunity to propose a combination of single-family dwellings, townhomes, and multifamily units. This approach aligns with the existing character of the surrounding areas, which already feature a mix of single-family homes, senior living facilities, and other multifamily housing options.

The proposed amendment is intricately tied to the comprehensive plan, integrating housing needs within the market while remaining consistent with its framework. Recognizing the influx of residents from Columbus and other influencing factors, it's imperative to address the area's housing demands while preserving its rich history and allure. Additionally, our plan integrates existing traffic patterns and desired roundabouts outlined in the town's master plan, which will be gradually implemented in the coming years. We believe our proposal aligns seamlessly with Mount Vernon's comprehensive planning, ensuring a cohesive extension of the present landscape and future vision.

TRANSFERRED
SEE SEC. 319.54.....H.....
SEC. 319.202 R.C. COMPLIED WITH

MAY 23 2023

SARAH THORNE
KNOX COUNTY, OHIO
NO 989 BY mtb

Tanner Salyers,
Knox County, OH
Instrument: 202300003236
DEED Pages: 5
05/23/2023 @ 12:34:10 PM
Recording: 58.00

BK 1974 PG 559 - 563

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT **Brookes Group, LLC**, an Ohio Limited Liability Company, for valuable consideration paid, grants with general warranty covenants, to **Arista Villas Mount Vernon, LLC**, whose tax mailing address is 100 International Drive, 23rd Floor, Baltimore, Maryland 21202, the following REAL PROPERTY:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

Parcel Number: 66-07961.000

Prior Deed Reference: Book 1974, Page 223, Knox County, Ohio, Official Records.

Subject to all reservations, building restrictions, zoning restrictions, leases and easements of record, taxes and assessments which are a lien, and determinations by the Tax Map Department of the Knox County Engineer’s Office and the Knox County Regional Planning Commission.

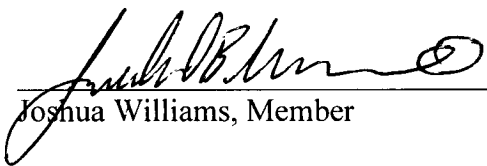
Real Estate Taxes and Assessments shall be assumed by Grantees.

A TITLE SEARCH WAS NOT PERFORMED RELATING TO THIS TRANSFER.

K&C

Executed this 18th day of May, 2023.

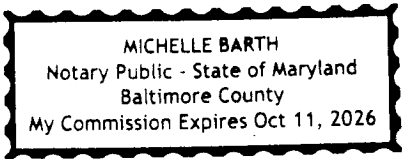
Brookes Group, LLC

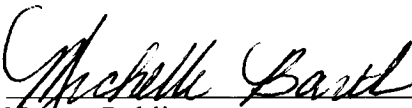


Joshua Williams, Member

STATE OF MARYLAND
COUNTY OF Baltimore SS:

The foregoing instrument was acknowledged before me this 18th day of May, 2023, by Joshua Williams, Member of Brookes Group, LLC.





Notary Public

This instrument prepared by:
Kidwell & Cunningham, Ltd.
112 North Main Street
Mount Vernon, Ohio 43050
Telephone: 740-397-7474
OC05265/nlr

EXHIBIT A

Situated in the State of Ohio, County of Knox, City of Mount Vernon, being part of the Northeast Quarter, Section 25, Quarter 3, Township 7 North, Range 12 West, of the US Military Lands, being a 39.916 acre tract conveyed to MCR Drake – Mount Vernon, LLC & Lenor R. Cochran of record in Official Record 1819, Page 782, also known as Parcel Number 66-07961.000, records refer to the County Recorder's Office, Knox County, Ohio and being more particularly described as follows:

Beginning at an iron pin found on the East right-of-way line of State Route 768 – Vernon View Drive (60 feet in width), a Northwest corner of Colonial Heights Additions NO. 1, a Northwest corner of Lot 1 of said Colonial Heights Additions, and a Southwest corner of said MCR Drake Tract;

Thence North 03° 09' 20" East, a distance of 340.75 feet with the East right-of-way line of said State Route 768 and a West line of said MRC Drake tract, to a point referenced by an iron pin found South 86° 59' 02" East, a distance of 4.37 feet;

Thence South 86° 59' 02" East, a distance of 224.58 feet with a North line of said MCR Drake tract and a South line of a tract conveyed to Randy Canterbury and Cloyd McMannis of record in Official Record 1945, Page 501, to an iron pin found at a corner of said MCR Drake tract and a Southeast corner of said Canterbury and McMannis tract;

Thence North 58° 03' 35" East, a distance of 150.84 feet with a Northwest line of said MCR Drake tract, a Southeast line of said Caterbury and McMannis tract, and also a Southeast line of a tract conveyed to Michael A. and Carol R. Rednour of record in Official Record 1626, Page 907, passing an iron pin found at 87.27 feet, to an iron pin found at a Northwest corner of said MCR Drake tract and a corner of said Rednour tract;

Thence South 86° 59' 16" East, a distance of 541.97 feet with a North line of said MCR Drake tract, a South line of said Rednour Tract, a South line of a tract conveyed to Robert K. and Linda K. Beck of record in Official Record 1732, Page 903, and a South line of Cherry Hill Subdivision Lot 6 conveyed to John, Gregory, Mark, and David McMillan of record in Official Record 1887, Page 910, passing an iron pin found at 167.23 feet and passing an iron pipe found at 347.03 feet, to an iron in found at a corner of said MCR Drake tract and a Southeast corner of said Cherry Hill Subdivision Lot 6;

Thence North 03° 06' 37" East, a distance of 209.98 feet with a West line of said MCR Drake tract, and East line of said Cherry Hill Subdivision Lot 6, and the East Terminus of Woodside Drive (60 feet in width), to an iron pin found at a Northwest corner of said MCR Drake tract, the Northeast Terminus of said Woodside Drive, and a South line of a tract conveyed to David F. and Juliann M. McCoy of record in Official Record 845, Page 698, and also Official Record 1032, Page 557;

Thence South 86° 58' 51" East, a distance of 130.53 feet with a north line of said MCR Drake tract and a South line of said McCoy tract, to an iron pin found at a corner of said MCR Drake tract and a Southeast corner of said McCoy tract;

Thence North 03° 07' 41" East, a distance of 150.58 feet with a West line of said MCR Drake tract and an East line of said McCoy tract, to an iron pin found on the North line of the corporation limit, a South line of Monroe Township, the North line of said Northeast Quarter, a Northwest

corner of said MCR Drake tract, a Northeast corner of said McCoy tract, and a South line of a tract conveyed to Michael L. Kepple of record in Official Record 1579, Page 792;

Thence South 86° 47' 14" East, a distance of 1668.58 feet with the north line of said corporation limit, a South line of said Monroe Township, a North line of said Northeast Quarter, and a North line of said MCR Drake tract, to an iron pin found at a Northeast corner of said Northeast Quarter, a Northeast corner of said MCR Drake tract, a Southwest corner of a tract conveyed to Schlabach Builders, Ltd. of record in Official Record 1872, Page 725, and a Northwest corner of a tract conveyed to D and S Properties of Mount Vernon, LLC. of record in Official Record 1617, Page 135;

Thence South 03° 25' 42" West, a distance of 775.86 feet with the East line of said Northeast Quarter and an East line of said MCR Drake tract, to an iron pin set at a Southeast corner of said MCR Drake tract of record in Official Record 1579, Page 792 and a corner of a tract conveyed to Corisa Properties MTV, LLC. of record in Official Record 1657, Page 820;

Thence North 87° 05' 34" West, a distance of 696.27 feet with a South line of said MCR Drake tract and a North line of said Corissa Properties tract, to an iron pin found at a Northwest corner of said Corissa Properties tract and a Northeast corner of a tract conveyed to Levering Management, Inc. of record in Deed Volume 404, Page 425;

Thence North 87° 12' 01" West, a distance of 549.99 feet with a South line of said MCR Drake tract and a North line of said Levering Management tract, to an iron pipe found at a Northwest corner of said Levering Management tract and a Northeast corner of replat of Reserve "A" Colonial Heights Addition No. 1;

Thence North 87° 05' 43" West, a distance of 1438.92 feet with a South line of said MCR Drake tract, a North line of said replat of Reserve "A" Colonial Heights Addition, and also a North line of said Colonial Heights Addition, passing an iron pipe found at 235.91 feet and an iron pin found at 1008.92 feet, to the iron pin found at the point of beginning, containing 39.916 acres of land, more or less.

The above description was based on a survey prepared by Makeever and Associates, Inc. under the direct supervision of Isaac L. King, P.S. Professional Surveyor Number 8318, Dated December 2022, and is subject to all highways, easements, and restrictions of record.

All bearings shown herein are based upon the Ohio State Plane Coordinate System, North Zone, (NAD83 2011).

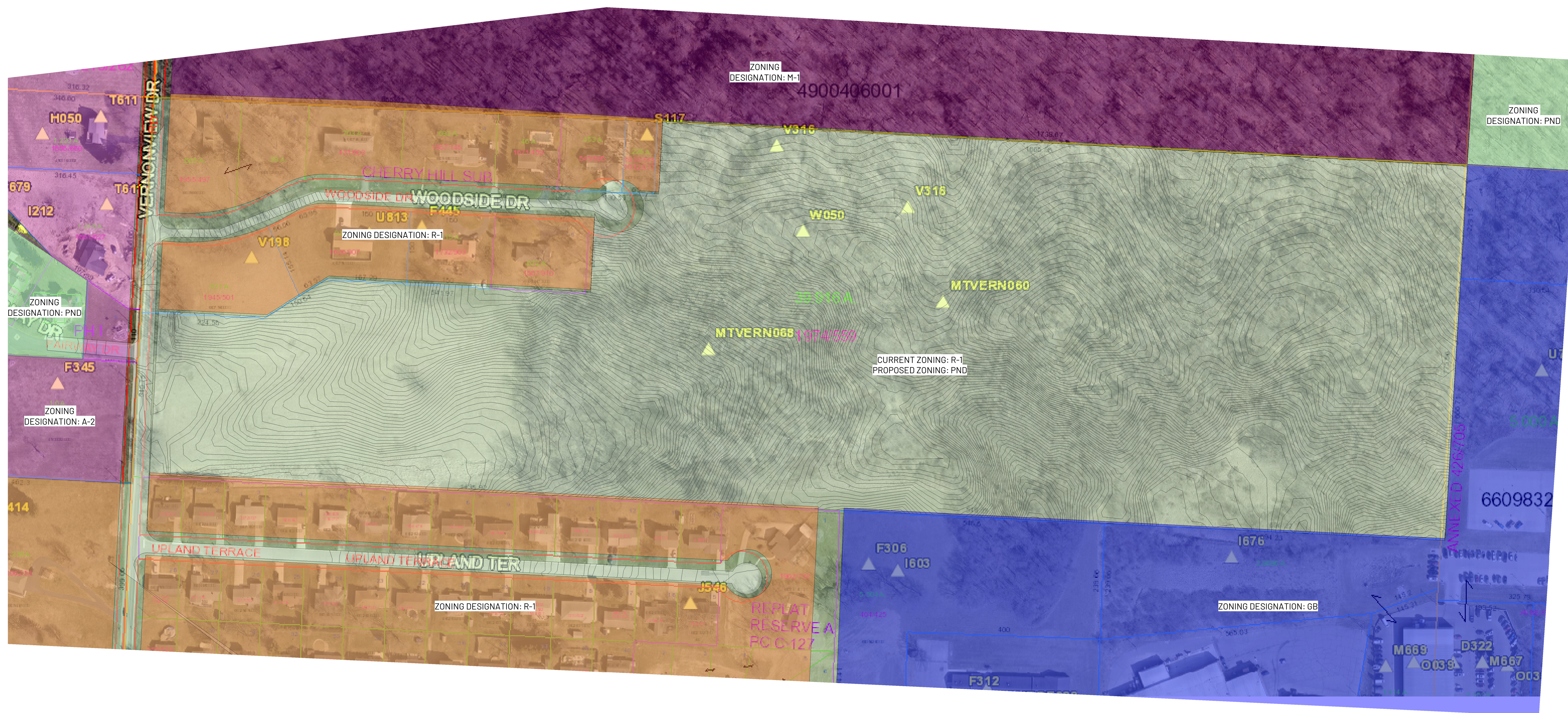
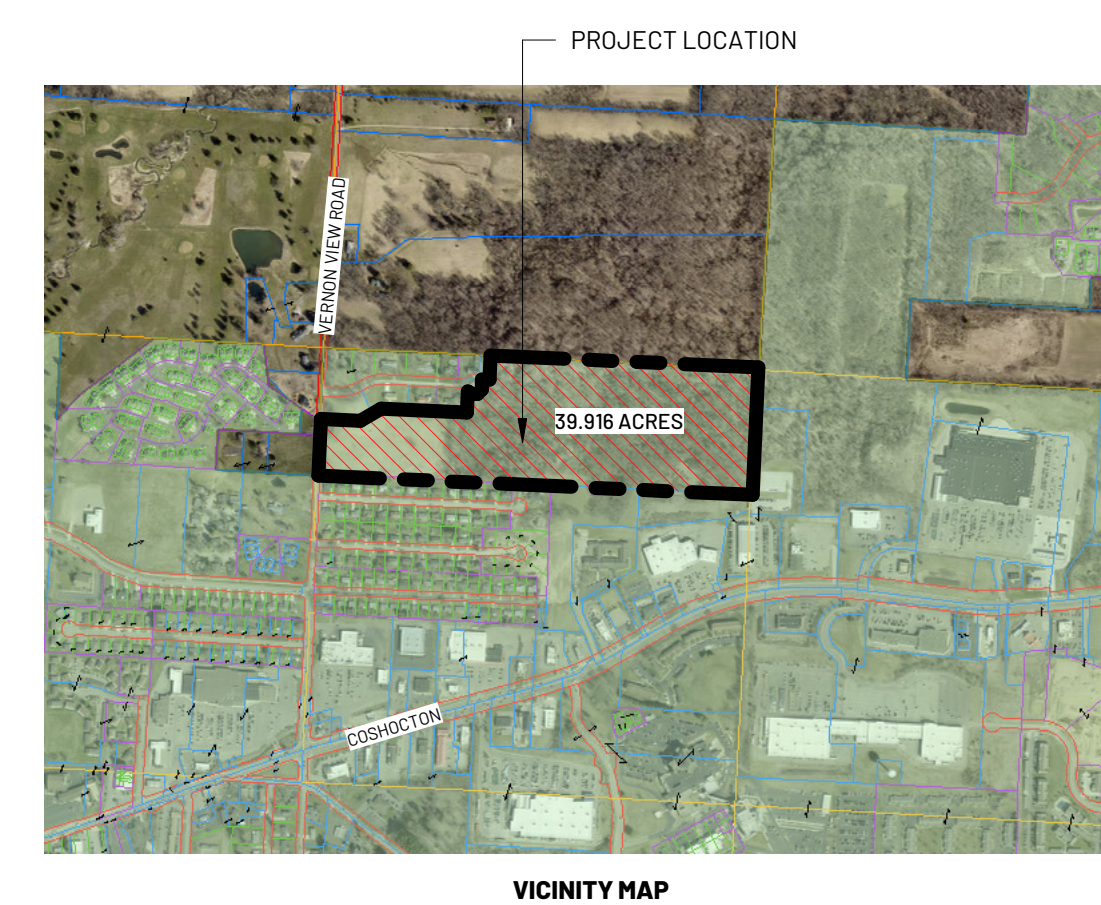
All iron pins set are 5/8" O.D. x 30" Long reinforcing rods with yellow plastic caps stamped "Makeever and Assoc." unless otherwise noted.

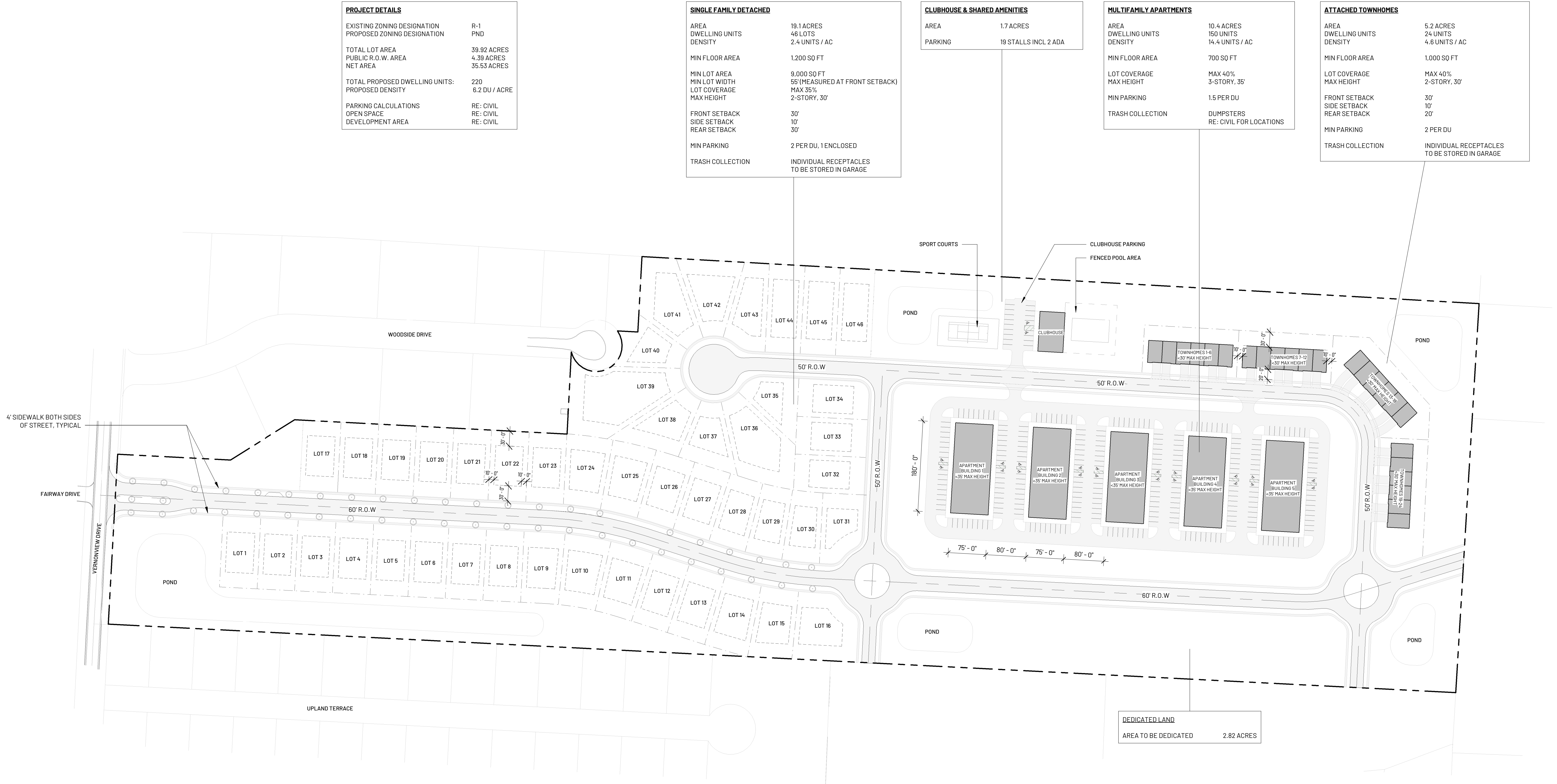
Prior Deed References: Official Record 1579, Page 792.

Parcel Number: 66-07961.000

DESCRIPTION
APPROVED
CAMERON KEATON
KNOX COUNTY ENGINEER

JDS

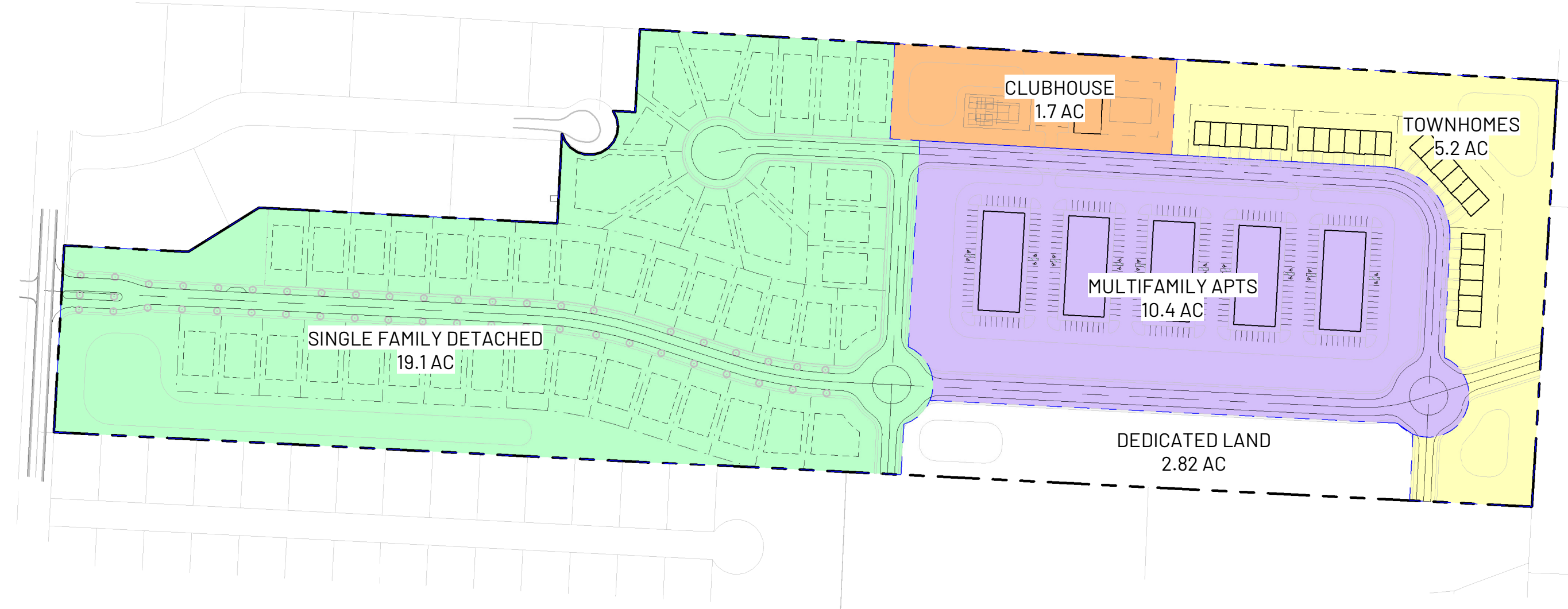




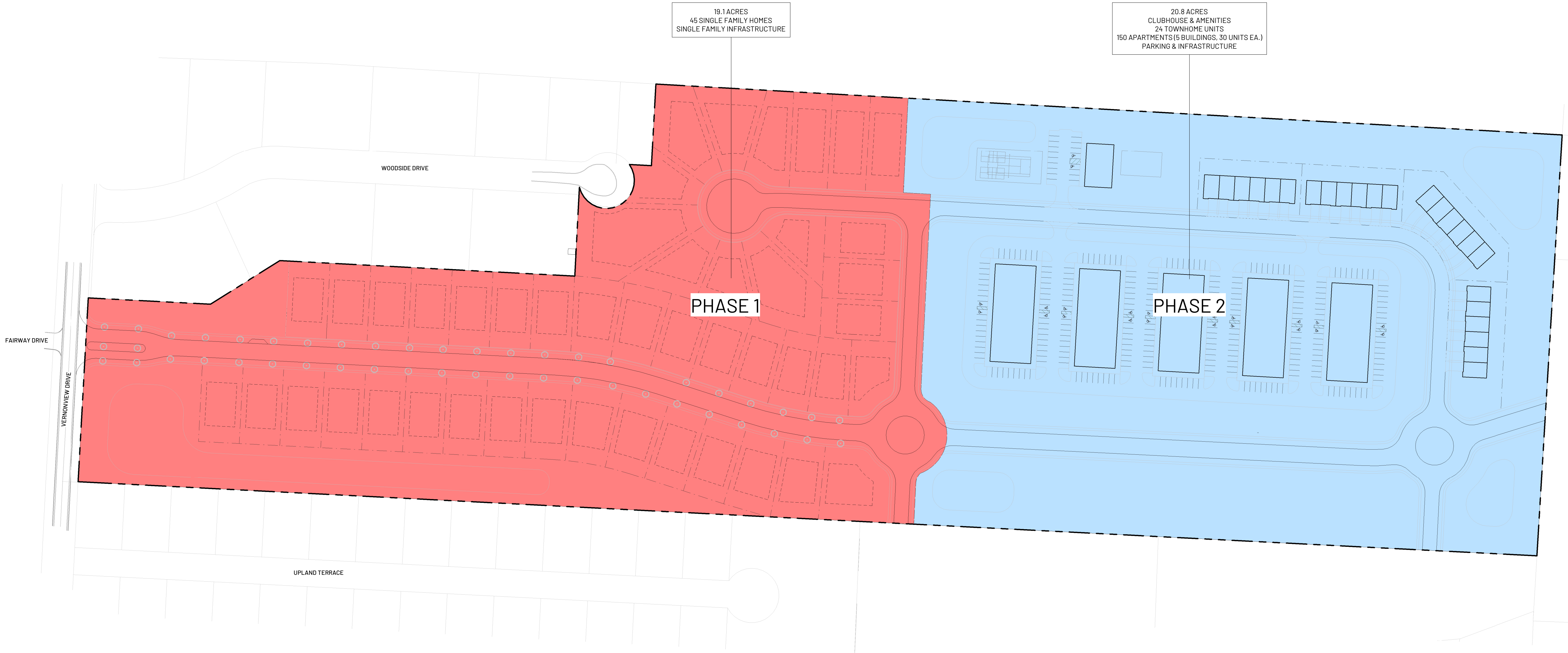
1 PROPOSED SITE PLAN

1" = 100'-0"

Attachment: 04-22-24 0 Vernonview Drive (2024-21 : Rezone 0 Vernonview Drive)

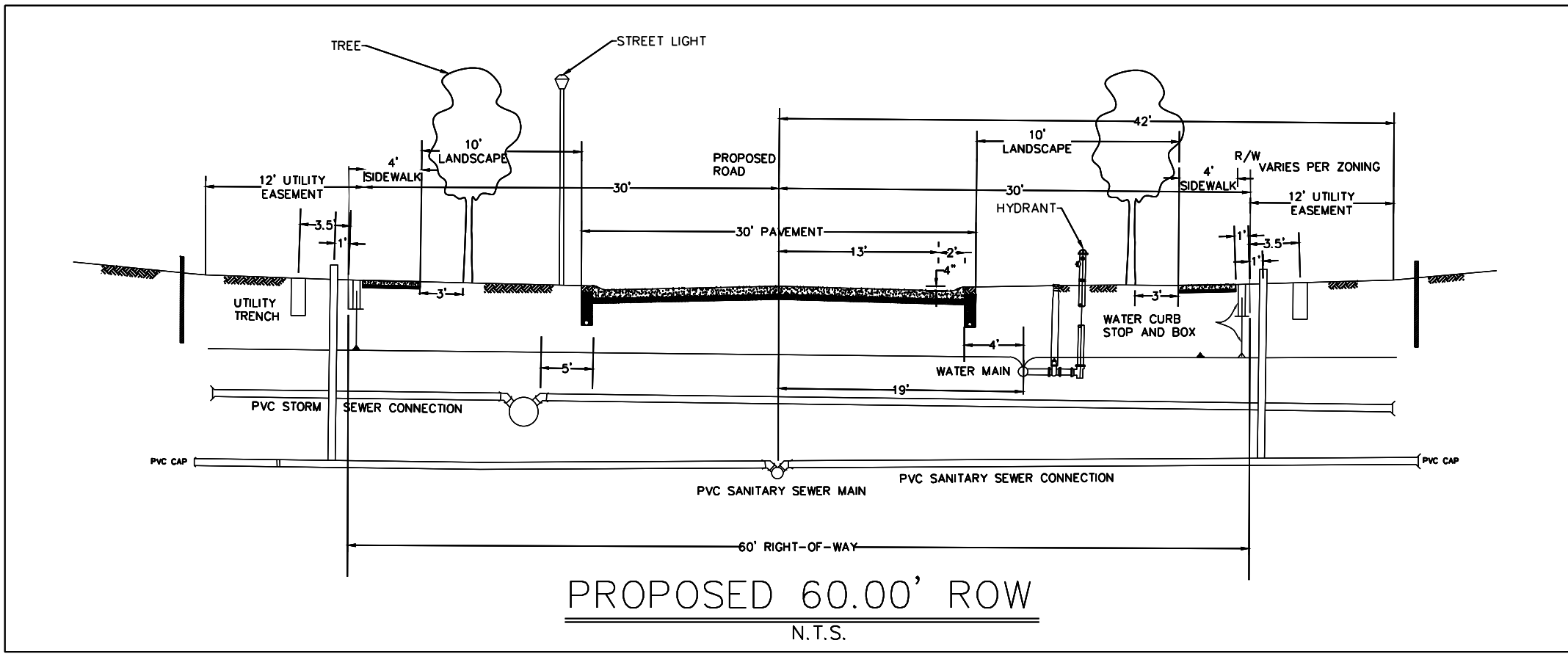


2 SITE USE MAP
1" = 200'-0"



1 CONSTRUCTION PHASING PLAN
1" = 100'-0"

LEGEND		
	EXISTING	PROPOSED
PROPERTY LINE	---	---
R.O.W LINE	---	---
EASEMENT LINE	---	---
BUILDING SETBACK LINE	---	---
BUILDING LINE	---	---
CURB LINE	---	---
FENCE	---	---
PARKING SPACE COUNT	---	---
EXISTING TREE	---	---
HEAVY DUTY ASPHALT PAVEMENT	---	---
STANDARD DUTY ASPHALT PAVEMENT	---	---
CONCRETE SIDEWALK/PAD	---	---



36225 DETROIT ROAD - UNIT 475
AVON, OH 44011
T: 440.799.7291 WWW.CDG-ENG.COM

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N

100 0 25 50 100

SCALE: 1 INCH = 100 FEET

DRAWING SCALE

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER PREPARING THESE PLANS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

XX/XX/XXXX
SIGNATURE DATE SIGNED
PROFESSIONAL ENGINEER
STATE LIC. No. 81840

REVISIONS		
Date	Description	No.

CLIENT

PROJECT

ARISTA VILLAS

MOUNT VERNON VERNONVIEW DRIVE OHIO

SHEET TITLE

PRELIMINARY PLAT -
OVERALL SITE PLAN

PROJECT NO.	230031	SHEET NO. C200
DATE	2024-02-28	
Drawn By	JBO	
Checked By	JBO	



SITE DATA TABLE	
SITE AREA :	
TOTAL SITE AREA:	1738732.80 SF (39.92 AC)
DEVELOPMENT AREA:	1,545,863 SF (35.49 AC)
DEDICATED AREA:	122,839 SF (2.82 AC)
FLOOD ZONE:	
ZONE X - FEMA MAP 39083C0189D REV. 07/07/2009	
EXISTING ZONING:	
R-1	
PROPOSED ZONING:	
PND	
EXISTING USE:	
VACANT (WOODED AND GRASSED AREA)	
FUTURE USE :	
SINGLE AND MULTI-FAMILY	
SINGLE-FAMILY LOT CRITERIA :	
MINIMUM DEPTH:	120' (EXCEPT CUL-DE-SAC)
MINIMUM WIDTH:	70' (EXCEPT CUL-DE-SAC)
SETBACKS	
FRONT	30'
REAR	30'
SIDE	10'
TOWNHOME LOT CRITERIA :	
MINIMUM DEPTH:	94'
SETBACKS	
FRONT	20'
REAR	30'
SIDE	10'
INTERNAL BUILDING SIDE	0'
APARTMENT LOT CRITERIA :	
MINIMUM DEPTH:	100'
MINIMUM WIDTH:	100'
SETBACKS	
FRONT	50'
REAR	25'
SIDE	25'
PARKING:	
APARTMENT PARKING	52 SPACES/BUILDING
TOTAL APARTMENT PARKING	260 SPACES
PARKING RATIO:	1.73:1 (PARKING SPACES/UNITS)
CLUBHOUSE PARKING	19 SPACES



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-22

Meeting: 04/22/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4011

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE FEBRUARY 2024 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; 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, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish an annual revision; and

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Mount Vernon, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2023-33	8-23-23	1155.03(d)
2023-44	12-11-23	187.02(a), 187.07 (e), 187.09, 187.14(g), (h), (I)

SECTION 2: That, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.35	School Bus. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Amended)
331.38	Stopping for School Bus; Discharging Children. (Amended)
331.46	Restrictions on the Operation of School Buses. (Added)

333.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.11	Electronic Wireless Communication Device Use Prohibited While Driving.
	(Amended)
337.16	Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
337.26	Child Restraint System Usage. (Amended)
337.33	Lights and Sign on Transportation for Preschool Children. (Added)
341.04	Commercial Drivers Prohibitions. (Amended)
341.05	Criminal Offenses. (Amended)

General Offenses Code

501.01	General Provisions and Penalty Definitions. (Amended)
505.15	Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added)
509.06	Inducing Panic. (Amended)
509.09	Impeding Public Passage of an Emergency Service Responder. (Amended)
513.01	Drug Abuse Control Definitions. (Amended)
513.17	Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added)
529.07	Open Container Prohibited. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
537.03	Assault. (Amended)
537.12	Misuse of 9-1-1 System. (Amended)
537.16	Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products; Transaction Scans. (Amended)
549.10	Possessing Replica Firearm in School. (Amended)
549.12	Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended)

SECTION 3: 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 4: This Ordinance is hereby declared to be an emergency measure and necessary for the immediate preservation of the public peace, health and safety, and to align the City's codified ordinances with recent changes to the Ohio Revised Code, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Ordinance 2024-22

Meeting of April 22, 2024

COMMENTS - Current Meeting:

Ordinance No. 2024-22 was given a first reading.

RESULT: FIRST READING

Next: 5/13/2024 7:30 PM

INSTRUCTIONS FOR INSERTING
FEBRUARY 2024 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF MT. VERNON

All new replacement pages bear the footnote "February 2024 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY UNIT

Cover and Certification Page	Cover and Certification Page
3, 4	3, 4
9, 10	9, 10
13, 14	13, 14
19, 20	19, 20
36I, 36J	36I, 36J
40G	40G
60A	60A, 60B
64C	64C
75	75

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121 through 128	121 through 128
-----------------	-----------------

PART THREE - TRAFFIC CODE

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137, 138	137 through 138A

Discard Old PagesInsert New PagesPART FIVE - GENERAL OFFENSES CODE

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18B-3, 18B-4
20C through 21
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PART ELEVEN - PLANNING AND ZONING CODE

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77, 78

CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO

Local legislation current through February 1, 2024

State legislation current through July 4, 2023

CERTIFICATION

We, Matthew T. Starr, Mayor and Todd Hill,
Clerk of Council of Mount Vernon, Ohio, pursuant to Ohio Revised Code
731.23 and 731.42, hereby certify that the general and permanent
ordinances of the City of Mount Vernon, Ohio, as revised, rearranged,
compiled, renumbered as to sections, codified and printed herewith in
component codes are correctly set forth and constitute the Codified
Ordinances of Mount Vernon, Ohio, 1989, as amended to February 1,
2024.

/s/ Matthew T. Starr
Mayor

/s/ Todd Hill
Clerk of Council

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

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CITY OF MOUNT VERNON, OHIO

ROSTER OF CITY OFFICIALS

(2024)

COUNCIL

Bruce E. Hawkins
 James Mahan
 John Ruckman
 Tammy Woods
 Mike Miller
 Amber Keener
 Janis Seavolt
 Mel Severns

President
 First Ward
 Second Ward
 Third Ward
 Fourth Ward
 At Large
 At Large
 At Large

ADMINISTRATION

Matthew T. Starr
 Tanner Salters
 P. Robert Broeren, Jr.
 Todd Hill
 Maureen Hall
 Terry Scott
 David Stuller
 Robert K. Morgan
 Chad Christopher
 John Thatcher
 Lisa R. Mazza

Aaron Reinhart

Tom Hinkle
 Brian Ball
 Lisa Brown

Mayor
 Safety-Service Director
 Director of Law
 Clerk of Council
 Assistant Clerk of Council
 City Auditor
 City Treasurer
 Chief of Police
 Fire Chief
 Municipal Court Judge
 Municipal Court
 Clerk
 Director of Public
 Utilities
 Director of Public Works
 City Engineer
 Income Tax Administrator

The publisher
expresses their appreciation
to

TANNER SALTERS
Safety-Service Director

P. ROBERT BROEREN, JR.
Director of Law

TODD HILL
Clerk of Council

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

GENERAL INDEX

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

- (a) The Comparative Section Table, which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The Table of Contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following the chapter analysis.

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2018-15	5-29-18	2018 Replacement Pages	2020-37	11-23-20	1302.01, 1303.13, 1399.05
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2019-02	1-14-19	351.19	2021-22	6-14-21	359.02(e)
2019-03	2-11-19	351.03, 351.033	2021-30	8-23-21	129.031
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2019-27	6-24-19	551.01 to 551.06	2021-38	10-25-21	August 2021 Replacement Pages
2019-28	6-24-19	376.01 to 376.05, 376.99	2021-47	12-13-21	753.04
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2019-56	6-24-19	515.001	2022-01	1-10-22	187.02, 187.07, 187.09, 187.14(g) to (i)
2019-31	9-23-19	1167.02	2022-16	4-25-22	February 2022 Replacement Pages
2019-35	11-12-19	920.01 to 920.47, 920.99	2022-22	6-13-22	902.02
2019-36	11-25-19	755.01, 755.05	2022-25	7-25-22	Pt. 11 Appx. II
2019-37	11-12-19	September 2019 Replacement Pages	2022-31	10-10-22	August 2022 Replacement Pages
2019-38	12-23-19	911.02 to 911.11, 911.13, 913.03, 913.11, 919.02 to 919.04, 919.06, 919.08, 919.11	2023-10	4-24-23	February 2023 Replacement Pages
2019-39	12-9-19	187.02, 187.07, 187.09, 187.14	2023-25	6-26-23	919.07(i)
2019-120	11-25-19	931.11	2023-33	8-23-23	1155.03(d)
2020-17	4-27-20	2020 Replacement Pages	2023-34	10-9-23	August 2023 Replacement Pages
2020-21	6-8-20	Repeals 135.05	2023-44	12-11-23	187.02(a), 187.07 (e), 187.09, 187.14(g), (h), (i)
2020-22	7-27-20	303.08(a), 359.03, 359.04			
2020-28	8-24-20	351.20			

February 2024 Replacement

TABLE OF SPECIAL ORDINANCES

TABLE H - PURCHASE OF PROPERTY FOR CITY USE (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 2012-63	9-24-12	Authorizes the purchase of vacant property at the northeastern corner of the intersection of South Norton St. and Madison Ave.
Res. 2012-76	12-10-12	Authorizing the purchase of 820 Coshocton Ave.
Res. 2014-32	4-28-14	Authorizing the purchase of 25.123 acres of land on Harcourt Road.
Res. 2014-98	11-24-14	Authorizing the purchase of the property known as 102 North Sandusky Street, (Parcel #66-05572.000) for \$190,000.
Res. 2016-82	11-14-16	Authorizing the Safety-Service Director to purchase properties from Pechiney Plastic Packaging, Inc.
Res. 2019-51	5-28-19	Authorizing the purchase of the property known as 301 West Vine Street, (Parcel #66-00361.000).
Res. 2019-127	12-9-19	Authorizing the Safety Service Director to accept the donation of property from the Mt. Vernon Development Company known as Parcel #66-06302.000 (.681 acres).
Res. 2019-132	12-23-19	Authorizing agreements to acquire, by either purchase or accept by donation, either in whole or in part, the following nine (9) pieces of property with the following permanent parcel numbers: 66-09491.000, 66-04632.000, 66-05406.000, 66-05405.000, 66-05905.000, 66-05518.000, 66-03410.000, 66-01594.000 and 66-50289.000.
Res. 2021-04	1-27-21	Authorizing agreements to acquire in whole or in part the following seven (7) pieces of property with the following permanent parcel numbers: 6605520.000, 66-02493.00, 66-02490.000, 66-02494.000, 66-09676.000, 66-01212.000, and 66-01590.000.
Res. 2021-05	1-27-21	Authorizing agreements to acquire in whole or in part the following two (2) pieces of property with the following permanent parcel numbers: 66-00826.000 and 66-02042.000.
Res. 2022-45	4-25-22	Authorizing agreements to acquire, by either purchase or accept by donation, either in whole or in part, the following four (4) pieces of property with the following permanent parcel numbers: 66-00499.000, 66-05506.000, 66-03852.000 and 66-03852.001.

TABLE OF SPECIAL ORDINANCES

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TABLE H - PURCHASE OF PROPERTY FOR CITY USE (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 2023-87	11-27-23	Authorizing the Safety-Service Director to accept the donation of two parcels of property from the Wesley L. Kline Trust known as Parcel No. 66-03989.010 and Parcel No. 66-03989.011.
Res. 2024-06	1-22-24	Authorizing the Safety-Service Director to enter into an agreement to acquire in whole or in part a single parcel of property, permanent parcel number 71-00002.000.

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TABLE OF SPECIAL ORDINANCES

TABLE J - ANNEXATION OF TERRITORY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2021-28	7-26-21	Consenting to the annexation of 1.185 acres from Monroe Township into the City.
2021-44	11-8-21	Accepting the annexation of 1.185 acres from Monroe Township into the City.
2021-54	12-27-21	Consenting to the annexation of 7.513 acres from Clinton Township into the City.
2021-55	12-27-21	Consenting to the annexation of 6.525 acres from Clinton Township into the City.
2022-13	4-11-22	Accepting the annexation of 7.513 acres from Clinton Township into the City.
2022-14	4-11-22	Accepting the annexation of 6.525 acres from Clinton Township into the City.
2022-29	9-12-22	Consenting to the annexation of 0.562 acres, Parcel Number 59-02288.000 from Pleasant Township into the City.
2022-42	1-9-23	Accepting the annexation of 0.562 acres, Parcel Number 59-02288.000 from Pleasant Township into the City.
2023-18	4-24-23	Consenting to the Annexation of 105.65 acres, parcel numbers 59-02289.000 and 59-02289.001, from Pleasant Township into the City.
2023-28	6-26-23	Consenting to the annexation of 4.325 acres from Clinton Township into the City.
2023-29	7-24-23	Accepting the annexation of 105.65 acres, parcel numbers 59-02289.000 and 59-02289.001, from Pleasant Township into the City.
2023-43	12-11-23	Accepting the annexation of 4.325 acres, parcel numbers 12-50046.000 and 12-50054.000 from Clinton Township into the City.

TABLE OF SPECIAL ORDINANCES

TABLE K - ZONING VARIANCES AND MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2018-20	10-8-18	A parcel within the City from the present zoning of P-1-Public, Semipublic District to R-1 Single Family District.
2018-21	10-8-18	Eight parcels from the present township zoning of RRA-Rural Residential and Agricultural District and R-1-Single Family District to Municipal R-1 Single Family District.
2019-32	11-25-19	1120 Yaeger Road (Parcel Number 66-50337.000) from the present zoning of R-1 Single Family District to O/I Office-Institutional District.
2021-37	10-11-21	Twelve parcels at Cooper Progress Park and Shellmar from their present zoning to PCDD - Planned Commercial Development District.
2022-04	1-24-22	210 N. Sandusky St. (Parcel Number 66-00676.000) from the present zoning of NC - Neighborhood Commercial District, to GB - General Business District.
2022-05	1-24-22	11973 Upper Gilchrist Road (Parcel Number 71-00004.000) from the present zoning of Monroe Township A2 to PND-Planned Neighborhood District.
2022-17	4-25-22	Portion of 17795 Coshocton Road (Parcel Number 71-00050.000) from the present zoning of R-1-Single Family District, PND-Planned Neighborhood District and GB-General Business District to R-3-Multiple Family District.
2022-35	10-24-22	Portion of Parcel #66-00501.000 located on Newark Road from the present zoning of NC - Neighborhood Commercial District to PND - Planned Neighborhood District.
2023-17	6-12-23	Parcel #66-05329.000 and Parcel #66-02335.000, also known as 301 and 303 North Norton Street, respectively, from the present zoning of R-1-Single Family District, to PCDD-Planned Commercial Development District.
2023-22	6-26-23	Parcel #66-00268.000, also known as 600 West Vine Street, from the present Zoning of R-2-Single and Two Family District, to GB-General Business.
2023-24	7-10-23	Parcel #70-00366.002 and #70-00366.003, both also known as 1104 West Gambier Street, from the present zoning of Clinton Township LB-Local Business, to GB-General Business; Parcel #70-00366.004, also known as 120 South Norton Street, from Clinton Township RRA-Rural Residential and Agricultural to GB-General Business; and Parcel #70-00366.005, also known as 130 South Norton Street, from Clinton Township GB-General Business, to GB-General Business.
2023-42	11-27-23	Parcel #71-00050.000, also known as 0 Upper Gilchrist Road, from the present zoning of R1-Single Family District to PND - Planned Neighborhood District.

CHAPTER 187 Transient Occupancy Tax

187.01	Definitions.	187.09	Appeal.
187.02	Rate and distribution of tax.	187.10	Records.
187.03	Exceptions.	187.11	Refunds.
187.04	Tax to be separately stated and charged.	187.12	Actions to collect.
187.05	Registration.	187.13	Moneys received; where credited.
187.06	Reporting and remitting.	187.14	Local Board of Tax Review.
187.07	Penalties and interest.	187.99	Penalty.
187.08	Failure to collect and report tax; determination of Auditor.		

187.01 DEFINITIONS.

As used in this chapter:

- (a) "Auditor" means the Auditor of the City of Mount Vernon. (Ord. 2005-22. Passed 10-24-05.)
- (b) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which five one or more rooms are used for the accommodation of guests, whether the rooms are in one or several structures, and including, but not limited to, hotels, motels, inns and "bed & breakfast" establishments. (Ord. 2018-22. Passed 11-26-18.)
- (c) "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms, or space or portion thereof, in any hotel for dwelling, lodging or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising the right uses or possesses, or has the right to use or possess, all or any portion of the room or suite of rooms for dwelling, lodging or sleeping purposes.
- (d) "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, and mortgagee in possession, license or any other capacity. Where the operator performs such functions through a managing agent of any type or character, other than an employee, the managing agent shall also be deemed an operator for the purpose of this chapter and shall have the same duties and liabilities as the principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

- (e) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.
- (f) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction there from whatsoever.
- (g) "Transient guest" means a person occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.
(Ord. 2005-22. Passed 10-24-05.)

187.02 RATE AND DISTRIBUTION OF TAX.

(a) Commencing on January 1, 2006, or as soon thereafter as permitted by law, there is levied a tax of three percent (3%) on all rents received by a hotel for lodging furnished to transient guests, with total receipts applied as follows:

- (1) Five percent (5%) of the funds received shall be retained in the general fund.
- (2) The remaining balance of tax receipts shall be deposited in a fund designated as Lodging Tax for distribution to agencies so designated by City Council to be used for the purposes of tourism destination marketing and tourism destination development to be granted to qualifying area not-for-profit organizations and projects.
- (3) Each not-for-profit organization receiving Lodging Tax funding shall be responsible for reporting to City Council on a regular, but no less than an annual basis (report filed no later than February 1 after the close of the year) outlining the use of the funds and the performance of the organization based on the expectations outlined in the grant contract between the organization and the City of Mount Vernon.
- (4) The City Council authorizes the Safety Service Director to enter into a grant contract with each of the following not-for-profit organizations for the Lodging Excise Tax fund to be distributed in the method and period of time designated:
 - A. Mount Vernon Parking Company - The contract period for the Mount Vernon Parking Company shall be for the period of January 1, 2024 through December 31, 2025. The Mount Vernon Parking Company will receive ten percent (10%) of the total tax collected payable on a monthly basis.
 - B. Heritage Centre Association, Inc. of Mount Vernon, Ohio - The contract period for the Heritage Centre Association, Inc. shall be for the period of January 1, 2024 through December 31, 2025. The Heritage Centre Association, Inc., dba: Main Street Mount Vernon will receive thirty percent (30%) of the total tax collected payable on a monthly basis.
 - C. Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy - The contract period for Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy shall be for the period of January 1, 2024 through December 31, 2025. The Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy will receive twenty-five percent (25%) of the total tax collected payable on a monthly basis.

- D. Knox County Convention & Visitors Bureau - The contract period for the Knox County Convention & Visitors Bureau shall be for the period of January 1, 2024 through December 31, 2025. The Knox County Convention & Visitors Bureau will receive twenty percent (20%) of the total tax collected payable on a monthly basis.
- E. The remaining balance of tax receipts, ten percent (10%) shall be deposited in a fund created and designated as Available Petition Fund for distribution to not-for-profit agencies to be used for the purposes of tourism destination marketing and tourism destination development through an application process. The Greater Downtown Management Council (GDMC) will accept, review and give recommendation to the applications. The Mayor and the Auditor of the City of Mount Vernon, Ohio will have the authority to accept, modify, or reject the GDMC's recommendation of each application received. (Ord. 2023-44. Passed 12-11-23.)

(b) This tax constitutes a debt owned by the transient guest to the City, which is extinguished only by payment to the operator as trustee for the City, or to the City. The transient guest shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient guest ceasing to occupy space in the hotel.

If for any reason the tax due is not paid to the operator of the hotel, the Auditor may require that the tax be paid directly to the Auditor. (Ord. 2005-22. Passed 10-24-05.)

187.03 EXCEPTIONS.

- (a) No tax shall be imposed under this chapter:
 - (1) Upon rents not within the taxing power of the City under the Constitution or laws of Ohio or the United States;
 - (2) Upon rents paid by the State or any of its political subdivisions;
 - (3) Upon rents of five dollars (\$5.00) a day or less.

(b) No exemption claimed under subsections (a)(1) or (2) hereof shall be granted except upon a claim therefor made at the time rent is collected, and, under penalty of perjury, upon a form prescribed by the Auditor. All claims of exemption under subsection (a)(3) hereof shall be made in the manner prescribed by the Auditor.
(Ord. 2005-22. Passed 10-24-05.)

187.04 TAX TO BE SEPARATELY STATED AND CHARGED.

(a) At the time when the occupancy is arranged or contracted and charged for, and upon every evidence of occupancy, or any bill or statement or charge made for an occupancy issued or delivered by the operator, the tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof. The tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable for the tax and the collection thereof.

(b) No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded, except in the manner hereinafter provided.

(Ord. 2005-22. Passed 10-24-05.)

187.05 REGISTRATION.

Within thirty days after the effective date of this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting lodging to transient guests shall register the hotel with the Auditor and obtain a transient occupancy registration certificate, to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

- (a) The name of the operator;
- (b) The address of the hotel;
- (c) The date upon which the certificate was issued;
- (d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Ordinance by registering with the Auditor for the purpose of collecting from transient guests the Transient Occupancy Tax and remitting said tax to the Auditor. This certificate does not constitute a permit."

(Ord. 2005-22. Passed 10-24-05.)

187.06 REPORTING AND REMITTING.

Each operator shall, on or before the fifteenth day of each month, make a return to the Auditor, on forms provided by the Auditor, of the total rents charged and received and the amount of tax collected for transient occupancies during the preceding calendar month. All claims for exemption from the tax filed by occupants with the operator during the reporting period shall be filed with the report. At the time the return is filed, the full amount of the tax collected shall be remitted to the Auditor. The Auditor may require further information in the return if such information is pertinent to the collection of the tax. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the City until payment thereof is made to the Auditor. All returns and payments submitted by each operator shall be treated as confidential by the Auditor, and shall not be released by him except upon order of a court of competent jurisdiction, or to an officer or agent of the United States, the State; the County or the City, for official use only. (Ord. 2005-22. Passed 10-24-05.)

187.07 PENALTIES AND INTEREST.

(a) Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty equal to ten percent (10%) of the amount of the tax, in addition to the tax.

(b) Continued Delinquency. Any operator who fails to pay any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty equal to ten percent (10%) of the amount of the tax and previous penalty in addition to the tax and the ten percent (10%) penalty first imposed. An additional penalty equal to ten percent (10%) of the total tax and penalty of the previous thirty-day period shall be added for each successive thirty-day period that the account remains delinquent.

(c) Fraud. If the Auditor determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty equal to twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subsection (a) hereof.

(d) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1 %) per month, or fraction thereof, on the amount of the tax exclusive of penalties, from the date on which the remittance first became delinquent until paid.
(Ord. 2005-22. Passed 10-24-05.)

(e) Penalties During Pendency of Hearing or Appeal. No penalty provided under the terms of this chapter shall be imposed during the pendency of any hearing provided for in Section 187.08, nor during the pendency of any appeal to the Local Board of Tax Review provided for in Section 187.09. (Ord. 2023-44. Passed 12-11-23.)

(f) Abatement of Interest and Penalty. In cases where a return has been filed in good faith, and an assessment has been paid within the time prescribed by the Auditor, the Auditor may abate any charge of penalty or interest, or both.
(Ord. 2005-22. Passed 10-24-05.)

187.08 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF AUDITOR.

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax, or any portion thereof required by this chapter, the Auditor shall proceed in such manner as s/he may deem best to obtain facts and information on which to base his/her estimate of the tax due. As soon as the Auditor procures such facts and information upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make a report and remittance, s/he shall proceed to determine and assess against the operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Auditor shall give notice of the amount so assessed by serving it personally, or by depositing it in the U.S. mail, postage prepaid, addressed to the operator so assessed at his/her last known place of address. The operator may within ten days after the serving or mailing of the notice make application in writing to the Auditor for a hearing on the amount assessed. If an application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Auditor, shall become final and conclusive, and immediately due and payable. If an application is made, the Auditor shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for the tax, interest and penalties. At the hearing, the operator may appear and offer evidence why the specified tax, interest and penalties should not be so fixed. After the hearing, the Auditor shall determine the proper tax to be remitted, and shall give written notice to the person in the manner prescribed herein of the determination and the amount of the tax, interest and penalties. The amount determined to be due shall be payable after fifteen days, unless an appeal is taken as provided in Section 187.09.
(Ord. 2005-22. Passed 10-24-05.)

187.09 APPEAL.

Any operator aggrieved by any decision of the Auditor with respect to the amount of the tax, interest and penalties, if any, may appeal to the Local Board of Tax Review (as defined in Section 187.14 of the Codified Ordinances of the City of Mount Vernon, Ohio) by filing a notice of appeal with the Auditor within fifteen days of the serving or mailing of the determination of the tax due. The Board shall fix a time and place for hearing the appeal and shall give notice in writing to the operator at his last known place of address. The findings of the Board shall be served upon the appellant in the manner prescribed above for service of a notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.
(Ord. 2023-44. Passed 12-11-23.)

187.10 RECORDS.

Every operator liable for the collection any payment to the City of any tax imposed by this chapter shall keep and preserve, for a period of three years, all records as may be necessary to determine the amount of tax for which s/he may have been liable for collection of and payment to the City, which records the Auditor shall have the right to inspect at all reasonable times. (Ord. 2005-22. Passed 10-24-05.)

187.11 REFUNDS.

(a) Whenever the amount of any tax, interest or penalty has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in subsections (b) and (c) hereof, provided a claim in writing therefore, stating, under penalty of perjury, the specific grounds upon which the claim is founded, is filed with the Auditor within three years of the date of payment. The claim shall be on forms furnished by the Auditor.

(b) An operator may claim a refund or take as a credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Auditor that the person from whom the tax has been collected was not a transient guest; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient guest or credited to rent subsequently payable by the transient to the operator.

(c) A transient guest may obtain a refund of taxes overpaid, or paid more than once, or erroneously or illegally collected or received by the City, by filing a claim in the manner provided in subsection (a) hereof, but only when the tax was paid by the transient guest directly to the Auditor, or when the transient guest, having paid the tax to the operator, establishes to the satisfaction of the Auditor that the transient guest has been unable to obtain a refund from the operator who collected the tax.

(d) No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto. (Ord. 2005-22. Passed 10-24-05.)

187.12 ACTIONS TO COLLECT.

Any tax required to be paid by a transient guest under the provisions of this chapter shall be deemed a debt owed by the transient guest to the City. Any tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of the amount due. (Ord. 2005-22. Passed 10-24-05.)

187.13 MONEYS RECEIVED; WHERE CREDITED.

The monies received under the provisions of this chapter shall be distributed and deposited by the Auditor in accordance with Section 187.02(a). (Ord. 2005-22. Passed 10-24-05.)

187.14 LOCAL BOARD OF TAX REVIEW.

(a) As used in this section, "Auditor" means the individual charged with direct responsibility for administration of a tax levied by a municipal corporation on transients.

(b) Not later than one hundred eighty days after the effective date of this section, the legislative authority of each municipal corporation that imposes a tax on income on that effective date shall establish by ordinance a board to hear appeals as provided in this section. The legislative authority of any municipal corporation that does not impose a tax on transient on the effective date of this section but that imposes such a tax after that date shall establish such a board by ordinance not later than one hundred eighty days after the tax takes effect. This Board may consist of the same members of the Board that hears appeals from the city income tax division.

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

(d) Any person who is aggrieved by a decision by the Auditor and who has filed with the municipal corporation the required returns or other documents pertaining to the excise tax obligation at issue in the decision may appeal the decision to the Board created pursuant to this section by filing a request with the Board. The request shall be in writing, shall state why the decision should be deemed incorrect or unlawful, and shall be filed within thirty days after the Auditor issues the decision complained of.

(e) The Board shall schedule a hearing within forty-five days after receiving the request, unless the taxpayer waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the Board and may be represented by an Attorney at Law, Certified Public Accountant, or other representative.

(f) The Board may affirm, reverse, or modify the Auditor's decision or any part of that decision. The Board shall issue a decision on the appeal within ninety days after the Board's final hearing on the appeal, and send notice of its decision by ordinary mail to the petitioner within fifteen days after issuing the decision. (Ord. 2005-22. Passed 10-24-05.)

(g) Each Local Board of Tax Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under Ohio R.C. 149.43. Hearings requested by a taxpayer before a Local Board of Tax Review created pursuant to this section are not meetings of a public body subject to Ohio R.C. 121.22.

(h) The Local Board of Tax Review is hereby created, which shall consist of three members. The three members of the Local Board of Tax Review must be domiciled in the Municipality.

Two members shall be appointed by the legislative authority of the Municipality, and may not be employees, elected officials, or contractors with the Municipality at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the top administrative official of the Municipality. This member may be an employee of the Municipality, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

The term for members of the Local Board of Tax Review appointed by the legislative authority of the Municipality shall be two years. There is no limit on the number of terms that a member may serve should the member be reappointed by the legislative authority. The board member appointed by the top administrative official of the Municipality shall serve at the discretion of the administrative official.

Members of the Local Board of Tax Review appointed by the legislative authority may be removed by the legislative authority as set forth in Section 718.11(A)(4) of the Ohio Revised Code.

A member of the board who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

A vacancy in an unexpired term shall be filled in the same manner as the original appointment within sixty days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the board shall impair the power and authority of the remaining members to exercise all the powers of the board.

If a member is temporarily unable to serve on the board due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the board in the member's place. This appointment shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

No member of the Local Board of Tax Review shall receive compensation, fee, or reimbursement of expenses for service on the board.

(i) The Local Board of Tax Review may adopt rules and regulations governing the conduct of its affairs that are consistent with Chapter 187.
(Ord. 2023-44. Passed 12-11-23.)

187.99 PENALTY.

(a) Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00), or imprisoned for a period of not more than six months, or both.

(b) Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Auditor, or who renders a false or fraudulent return or claim is punishable as aforesaid in subsection (a) hereof.

(c) Any person required to make, render, sign or verify any report or claim, who makes a false or fraudulent report or claim is punishable as aforesaid in subsection (a) hereof. Any person required to make, render, sign or verify any report or claim, who makes a false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is punishable as aforesaid in subsection (a) hereof.
(Ord. 2005-22. Passed 10-24-05.)

301.33 ROADWAY.

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively. (ORC 4511.01(E))

301.34 SAFETY ZONE.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times. (ORC 4511.01(M))

301.35 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Municipality, or within such limits and the territorial limits of municipalities immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time. "Child care center" and "type A family child care home" have the same meanings as in Ohio R.C. 5104.01. (ORC 4511.01(F), (FFF))

301.36 SEMITRAILER.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. (ORC 4511.01(N))

301.361 SHARED-USE PATH.

"Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. (ORC 4511.01(PPP))

301.37 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (ORC 4511.01(FF))

301.38 STATE ROUTE.

"State route" means every highway that is designated with an official State route number and so marked. (ORC 4511.01(JJ))

301.39 STOP (WHEN REQUIRED).

"Stop" when required means a complete cessation of movement.

301.40 STOPPING OR STANDING.

(a) "Stop or stopping" when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

(b) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

301.41 STOP INTERSECTION.

"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(BBB))

301.42 STREET OR HIGHWAY; ARTERIAL STREET.

(a) "Street" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(BB))

(b) "Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (ORC 4511.01(CCC))

301.43 THROUGH STREET OR HIGHWAY.

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

301.44 THRUWAY.

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

301.45 TRAFFIC.

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

301.46 TRAFFIC CONTROL DEVICE.

"Traffic control device" means a flagger, sign, signal, marking, or other device used to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. (ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed. (ORC 4511.01(RR))

303.991 COMMITTING AN OFFENSE WHILE DISTRACTED PENALTY.

(a) As used in this section and each section of the Traffic Code where specified, all of the following apply:

- (1) "Distracted" means doing either of the following while operating a vehicle:
 - A. Using an electronic wireless communications device, as defined in Ohio R.C. 4511.204, in violation of that section.
 - B. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.
- (2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of Section 331.43.
- (3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage or a circumstance affecting the health or safety of individuals.
As used in subsection (a)(3) of this section:
 - A. "Utility" means an entity specified in division (A), (C), (D), (E) or (G) of Ohio R.C. 4905.03.
 - B. "Utility service vehicle" means a vehicle owned or operated by a utility.

(b) If an offender violates any section of this Traffic Code which provides for an enhanced penalty for an offense committed while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding Ohio R.C. 2929.28, is subject to an additional fine of not more than one hundred dollars (\$100.00) as follows:

- (1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation or summons for a violation of any section of the Traffic Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars (\$100.00).
In lieu of payment of the additional fine of one hundred dollars (\$100.00), the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the Ohio Director of Public Safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars (\$100.00), so long as the offender submits to the court both the offender's payment in full and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under this section.

- (2) If the offender appears in person to contest the ticket, citation or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars (\$100.00).

If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars (\$100.00), the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars (\$100.00), the offender instead may elect to attend the distracted driving safety course described in subsection (b)(1) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars (\$100.00), so long as the offender submits to the court the offender's payment and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under this section.

(c) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of subsection (b) of this section that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the officer shall do both of the following:

- (1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
- (2) Ensure that such report indicates the offender's race.
(ORC 4511.991)

TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
 Chap. 333. OVI; Willful Misconduct; Speed.
 Chap. 335. Licensing; Accidents.
 Chap. 337. Safety and Equipment.
 Chap. 339. Commercial and Heavy Vehicles.
 Chap. 341. Commercial Drivers.

CHAPTER 331
Operation Generally

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| 331.02 Passing to right when proceeding in opposite directions. | 331.23 Driving onto roadway from place other than roadway; stopping at sidewalk. |
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CROSS REFERENCES

See sectional histories for similar State law

Obedience to traffic control devices - see TRAF. 313.01

Operation of bicycles and motorcycles - see TRAF. 373.01
et seq.

School bus operation - see OAC Ch. 4501-3

331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
- (4) When driving upon a roadway designated and posted with signs for one-way traffic;
- (5) When otherwise directed by a police officer or traffic control device.

- (b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
- A. When overtaking and passing another vehicle proceeding in the same direction;
 - B. When preparing for a left turn;
 - C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
- (2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

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

331.35 OCCUPYING TRAVEL TRAILER, FIFTH WHEEL VEHICLE, OR MANUFACTURED OR MOBILE HOME WHILE IN MOTION.

(a) Except as provided in subsection (b) of this section, no person shall occupy any travel trailer, fifth wheel trailer, or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

- (b) (1) Subsection (a) of this section does not apply to a fifth wheel trailer when both of the following apply:
- A. Any child riding in the fifth wheel trailer is properly secured in the manner provided in Ohio R.C. 4511.81.
 - B. The operator of the vehicle towing the fifth wheel trailer has some means of viable communication with the passengers riding in the trailer.

- (2) As used in this section, "viable communication" includes a cellular or satellite telephone, a radio or any other similar electronic wireless communications device.

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

- (2) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.701)

331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

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

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

- (a) (1) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

- (2) This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties.
- (3) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks. (ORC 4511.711(A))

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

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

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

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

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

(f) As used in this section:

- (1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.
- (2) "School bus", as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the Ohio Department of Education and Workforce, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.77, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

- (g) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.
- (2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

331.39 DRIVING ACROSS GRADE CROSSING.

- (a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad, if any of the following circumstances exist at the crossing:
 - A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.
 - B. A crossing gate is lowered.
 - C. A flagperson gives or continues to give a signal of the approach or passage of a train.

- D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.
 - E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
 - F. There is insufficient undercarriage clearance to safely negotiate the crossing.
- (2) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. to F. of this section exist at the crossing.
- (b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(ORC 4511.62)

331.40 STOPPING AT GRADE CROSSING.

- (a) (1) Except as provided in subsection (a)(3) hereof, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 CFR Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle, and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.
- (2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.
- A. Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.
 - B. After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.84)

331.45 VEHICULAR OPERATION ON STREET CLOSED DUE TO RISE IN WATER LEVEL.

(a) No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to two thousand dollars (\$2,000).

(b) A person who is issued a citation for a violation of subsection (a) hereof is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.

(c) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.
(2) In addition to the financial sanctions authorized or required under Section 501.99 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescuer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of two thousand dollars (\$2,000). If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under division (B) of Ohio R.C. 2929.28, a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.

(d) As used in this section:

- (1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.
- (2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization.
(ORC 4511.714.)

331.46 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.

(a) No person shall operate a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety. No person, being the owner thereof, or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety.

(b) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the Ohio Department of Education and Workforce by rule and that is subject to O.A.C. Chapter 3301-83.

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

- (3) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.
- (4) "Community residential sanction", "continuous alcohol monitoring", "jail", "mandatory prison term", "mandatory term of local incarceration", "sanction" and "prison term" have the same meanings as in Ohio R.C. 2929.01.
- (5) "Drug of abuse" has the same meaning as in Ohio R.C. 4506.01.
- (6) "Equivalent offense that is vehicle-related" means an equivalent offense that is any of the following:
 - A. A violation described in subsection (q)(1), (2), (3), (4) or (5) hereof;
 - B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19;
 - C. A violation of a former law of this state that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19.
 (ORC 4511.181)

333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.

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

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

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

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.201)

(d) Whenever a person is found guilty under this section of operating a motor vehicle in violation of this section relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. (ORC 4510.15)

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

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

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

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

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

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

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

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

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

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

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

(a) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. (ORC 4503.236)

333.11 ELECTRONIC WIRELESS COMMUNICATION DEVICE USE PROHIBITED WHILE DRIVING.

(a) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to any of the following:

- (1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity.
- (2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties.
- (3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;
- (4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

- (5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;
 - (6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;
 - (7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:
 - A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;
 - (8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:
 - A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;
 - (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
 - (10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;
 - (11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;
 - (12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:
 - A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;
 - (13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.
- (c) If a law enforcement officer issues an offender a ticket, citation or summons for a violation of subsection (a) of this section, the officer shall do both of the following:
- (1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
 - (2) Ensure that such report indicates the offender's race.
- (d) Whoever violates subsection (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor, and shall be punished as provided in subsections (d)(1) to (5) of this section.
- (1) The offender shall be fined, and is subject to a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, as follows:

- A. Except as provided in subsections (d)(1)B., (d)(1)C., (d)(1)D. and (d)(2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars (\$150.00).
 - B. If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section, Ohio R.C. 4511.204, or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars (\$250.00).
 - C. If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section, Ohio R.C. 4511.204, or a substantially equivalent or municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars (\$500.00). The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.
 - D. Notwithstanding subsections (d)(1)A. to (d)(1)C. of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under subsections (d)(1)A., (d)(1)B., or (d)(1)C. of this section, as applicable.
- (2) If the offender is in the category of offenders to whom subsection (d)(1)A of this section applies, in lieu of payment of the fine of one hundred fifty dollars (\$150.00) under subsection (d)(1)A. of this section and the assessment of points under subsection (d)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in Section 303.991. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court. This subsection does not apply with respect to any offender in the category of offenders to whom subsection (d)(1)B., C., or D. of this section applies.
 - (3) The court may impose any other penalty authorized under Ohio R.C. 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in subsection (d)(1) of this section. The court also shall not impose a jail term or community residential sanction.
 - (4) Except as provided in subsection (d)(2) of this section, points shall be assessed for a violation of subsection (a) of this section in accordance with Ohio R.C. 4510.036.
 - (5) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(e) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of Ohio R.C. 4511.204 based on the same conduct. However, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

- (f) (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for the purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.
- (2) A law enforcement officer who stops the operator of a motor vehicle for a violation of subsection (a) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:
- A. Access the device without a warrant unless the operator voluntarily and unequivocally gives consent for the officer to access the device;
 - B. Confiscate the device while awaiting the issuance of a warrant to access the device;
 - C. Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(g) As used in this section:

- (1) "Electronic wireless communications device", includes any of the following:

- A. A wireless telephone;
- B. A text-messaging device;
- C. A personal digital assistant;
- D. A computer, including a laptop computer and a computer tablet;
- E. Any device capable of displaying a video, movie, broadcast television image, or visual image;
- F. Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.

- (2) "Utility" means an entity specified in Ohio R.C. 4905.03(A), (C), (D), (E) or (G).
 - (3) "Utility service vehicle" means a vehicle owned or operated by a utility.
 - (4) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.
- (ORC 4511.204)

CHAPTER 337 Safety and Equipment

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| <p>337.01 Driving unsafe vehicles.</p> <p>337.02 Lighted lights; measurement of distances and heights.</p> <p>337.03 Headlights on motor vehicles and motorcycles.</p> <p>337.04 Tail light; illumination of rear license plate.</p> <p>337.05 Rear red reflectors.</p> <p>337.06 Safety lighting on commercial vehicles.</p> <p>337.07 Obscured lights on vehicles in combination.</p> <p>337.08 Red light or red flag on extended loads.</p> <p>337.09 Lights on parked or stopped vehicles.</p> <p>337.10 Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles.</p> <p>337.11 Spotlight and auxiliary lights.</p> <p>337.12 Cowl, fender and back-up lights.</p> <p>337.13 Display of lighted lights.</p> <p>337.14 Use of headlight beams.</p> <p>337.15 Lights of less intensity on slow-moving vehicles.</p> | <p>337.16 Number of lights; limitations on flashing, oscillating or rotating lights.</p> <p>337.17 Focus and aim of headlights.</p> <p>337.18 Motor vehicle and motorcycle brakes.</p> <p>337.19 Horn, siren and theft alarm signal.</p> <p>337.20 Muffler; muffler cutout; excessive smoke, gas or noise.</p> <p>337.21 Rear-view mirror; clear view to front, both sides and rear.</p> <p>337.22 Windshield and windshield wiper; sign or poster thereon.</p> <p>337.23 Limited load extension on left side of passenger vehicle.</p> <p>337.24 Motor vehicle stop lights.</p> <p>337.25 Air cleaner required.</p> <p>337.26 Child restraint system usage.</p> <p>337.27 Drivers and passengers required to wear seat belts.</p> <p>337.28 Use of sunscreening, nontransparent and reflectorized materials.</p> <p>337.29 Bumper heights.</p> <p>337.30 Loud sound amplification systems prohibited.</p> <p>337.31 Use of engine retarders.</p> <p>337.32 Directional signals required.</p> <p>337.33 Lights and sign on transportation for preschool children.</p> |
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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. 331.14

Wheel protectors for commercial vehicles - see TRAF. 339.05

Vehicles transporting explosives - see TRAF. 339.06

Towing requirements - see TRAF. 339.07

Use of studded tires and chains - see TRAF. 339.11

Bicycle equipment - see TRAF. 373.05 et seq.

337.01 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)

337.02 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.

- B. Vehicles or machinery permitted by Ohio 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 Ohio 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;
 - E. A vehicle being used for emergency preparedness, response, and recovery activities, as those terms are defined in Ohio R.C. 5502.21, that is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber or red and white light, provided that the vehicle is being operated by a person from one of the following and the vehicle is clearly marked with the applicable agency's or authority's insignia:
 1. The Ohio Emergency Management Agency;
 2. A countywide emergency management agency established under Ohio R.C. 5502.26;
 3. A regional authority for emergency management established under Ohio R.C. 5502.27;
 4. A program for emergency management established under Ohio R.C. 5502.271.
- (3) Subsection (c)(1) of this section does not apply to animal-drawn vehicles subject to Ohio R.C. 4513.114.
- (d) (1) Except a person operating a public safety vehicle, as defined in Ohio R.C. 4511.01(E), an emergency management agency vehicle, as described in subsection (c)(2)E. of this section, 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)

337.17 FOCUS AND AIM OF HEADLIGHTS.

(a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(b) 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)

337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

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

- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
- (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
- (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.
- (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
 - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
 - B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
- (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.

- (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
- (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular 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 so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.
- (8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
- (9) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	<u>From a speed of 20 miles per hour</u>	
	<u>Stopping distance</u>	<u>Deceleration in</u>
	<u>in feet</u>	<u>feet per second</u>
		<u>per second</u>
Brakes on all wheels	30	14
Brakes not on all four wheels	40	10.7

- (10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (ORC 4513.20)

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

337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

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(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.21)

337.20 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

(a) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(b) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.22)

337.21 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES AND REAR.

(a) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.23)

337.22 WINDSHIELD AND WINDSHIELD WIPER; SIGN OR POSTER THEREON.

(a) No person shall drive any motor vehicle on a street or highway, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

- (b) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.
- (2) Subsection (b)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if either of the following apply to the device:
 - A. It is a "vehicle safety technology" as defined in 49 C.F.R. §393.5 and complies with 49 C.F.R. §393.60(e)(1)(ii).
 - B. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals, and it does not conceal the vehicle identification number.
- (3) Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if either of the following apply to the device:
 - A. It is a "vehicle safety technology" as defined in 49 C.F.R. §393.5 and complies with 49 C.F.R. §393.60(e)(1)(ii).
 - B. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals, and it is mounted not more than eight and one-half inches below the upper edge of the windshield.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.24)

337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

(a) No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)

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

337.24 MOTOR VEHICLE STOP LIGHTS.

(a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle,

actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.071)

337.25 AIR CLEANER REQUIRED.

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

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

337.26 CHILD RESTRAINT SYSTEM USAGE.

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

337.32 DIRECTIONAL SIGNALS REQUIRED.

- (a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.
- (2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.261)

337.33 LIGHTS AND SIGN ON TRANSPORTATION FOR PRESCHOOL CHILDREN.

(a) No person shall operate any motor vehicle owned, leased, or hired by a nursery school, kindergarten, or child care center, while transporting preschool children to or from such an institution unless the motor vehicle is equipped with and displaying two amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation "caution - children", which shall be attached to the bar carrying the amber flashing lights in such a manner as to be legible to persons both in front of and behind the vehicle. The lights and sign shall meet standards and specifications adopted by the Ohio Director of Public Safety.

(b) No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this section. (ORC 4513.182)

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

CHAPTER 341 Commercial Drivers

341.01	Definitions.	341.04	Prohibitions.
341.02	Exemptions.	341.05	Criminal offenses.
341.03	Prerequisites to operation of a commercial motor vehicle.	341.06	Employment of drivers of commercial vehicles.

CROSS REFERENCES

See sectional histories for similar State law
 Disqualification - see Ohio R.C. 4506.16
 Suspension or revocation of license - see Ohio R.C. 4507.16
 Warning devices when disabled on freeways - see Ohio R.C. 4513.28
 Arrest notice of driver - see Ohio R.C. 5577.14
 Load limits - see TRAF. Ch. 339

341.01 DEFINITIONS.

As used in this chapter:

- (a) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:
 - (1) One hundred milliliters of whole blood, blood serum, or blood plasma;
 - (2) Two hundred ten liters of breath;
 - (3) One hundred milliliters of urine.
- (b) "Commercial driver's license".
 - (1) A license issued in accordance with Ohio R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle. Except as otherwise specifically provided, "commercial driver's license" includes an "enhanced commercial driver's license."
 - (2) "Enhanced commercial driver's license" means a commercial driver's license issued in accordance with Ohio R.C. 4507.021 and 4506.072 that denotes citizenship and identity and is approved by the United States Secretary of Homeland Security or other designated federal agency for purposes of entering the United States.
- (c) "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
 - (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
 - (2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;
 - (3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

- (4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than sixteen passengers including the driver;
- (5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;
- (6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.
- (d) "Controlled substance" means all of the following:
 - (1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;
 - (2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;
 - (3) Any drug of abuse.
- (e) "Disqualification" means any of the following:
 - (1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;
 - (2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;
 - (3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.
- (f) "Drive" means to drive, operate or be in physical control of a motor vehicle.
- (g) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.
- (h) "Driver's license" means a license issued by the Ohio Bureau of Motor Vehicles that authorizes an individual to drive.
- (i) "Drug of abuse" means any controlled substance, dangerous drug as defined in Ohio R.C. 4729.01, harmful intoxicant as defined in Ohio R.C. 2925.01, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.
- (j) "Employer" means any person, including the Federal Government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.
- (k) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.
- (l) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this subsection and is not used in the operations of a motor carrier, as defined in Ohio R.C. 4923.01.

341.04 PROHIBITIONS.

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

- (1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this State, any other state or by a foreign jurisdiction;
- (2) Drive a commercial motor vehicle on a highway in this Municipality in violation of an out-of-service order, while the person's driving privilege is suspended, revoked or canceled, or while the person is subject to disqualification;
- (3) Drive a motor vehicle on a highway in this Municipality under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this State for thirty days or longer.
- (4) Knowingly give false information in any application or certification required by Ohio R.C. 4506.07;
- (5) Knowingly provide false statements or engage in any fraudulent act related to testing for a commercial driver's license as required in Ohio R.C. 4506.09.

(b) The Municipality shall give every conviction occurring out of this state and notice of which was received by the state Department of Public Safety after December 31, 1989, full faith and credit and treat it for sanctioning purposes under this chapter as though the conviction had occurred in this state. (ORC 4506.04(A), (B))

(c) No person shall drive any commercial motor vehicle for which an endorsement is required under Ohio R.C. 4506.12 unless the proper endorsement appears on the person's commercial driver's license or commercial driver's license temporary instruction permit. No person shall drive a commercial motor vehicle in violation of a restriction established under Ohio R.C. 4506.12 that appears on the person's commercial driver's license or commercial driver's license temporary instruction permit.
(ORC 4506.12(I))

- (d)
 - (1) Whoever violates subsection (a)(1), (a)(2) or (a)(3) of this section is guilty of a misdemeanor of the first degree.
 - (2) Whoever violates subsection (a)(4) of this section is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of Ohio R.C. 4507.19 apply.
 - (3) Whoever violates subsection (a)(5) of this section is guilty of falsification, a misdemeanor of the third degree. In addition, the provisions of Ohio R.C. 4507.19 apply. (ORC 4506.04(C))
 - (4)
 - A. Whoever violates subsection (c) of this section is guilty of a misdemeanor of the first degree.
 - B. The offenses established under subsection (c) of this section are strict liability offenses and Ohio 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, whether in this section or another section of this code or the Ohio Revised Code, is not a strict liability offense. (ORC 4506.12(J))

341.05 CRIMINAL OFFENSES.

(a) No person who holds a commercial driver's license, or commercial driver's license temporary instruction permit or who operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following:

- (1) Drive a commercial motor vehicle while having a measureable or detectable amount of alcohol or of a controlled substance in the person's blood, breath or urine;
- (2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;
- (3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;
- (4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;
- (5) Drive a motor vehicle while under the influence of a controlled substance;
- (6) Drive a motor vehicle in violation of Ohio R.C. 4511.19 or a municipal OVI ordinance as defined in Ohio R.C. 4511.181;
- (7) Use a motor vehicle in the commission of a felony;
- (8) Refuse to submit to a test under Ohio R.C. 4506.17 or 4511.191;
- (9) Operate a commercial motor vehicle while the person's commercial driver's license or permit or other commercial driving privileges are revoked, suspended, canceled, or disqualified;
- (10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;
- (11) Fail to stop after an accident in violation of Sections 335.12 to 335.14;
- (12) Drive a commercial motor vehicle in violation of any provision of Ohio R.C. 4511.61 to 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;
- (13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in Ohio R.C. 3719.01 or the possession with intent to manufacture, distribute, or dispose a controlled substance.
- (14) Use a commercial motor vehicle in the commission of a violation of Ohio R.C. 2905.32 or any other substantially equivalent offense established under federal law or the laws of another state.

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

(c) The offense established under subsection (a) of this section are strict liability offenses and Ohio 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.
(ORC 4506.15)

341.06 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.

(a) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:

- (1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;
- (2) The dates the applicant was employed by these employers;
- (3) The reason for leaving each of these employers.

(b) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:

- (1) The driver's commercial driver's license is suspended, revoked or canceled by any state or a foreign jurisdiction;
- (2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;
- (3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction;
- (4) The driver has more than one driver's license.

(c) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of Section 341.05.

(d) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle if the driver does not hold a valid, current commercial driver's license or commercial driver's license temporary instruction permit bearing the proper class or endorsements for the vehicle. No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of the restrictions on the driver's commercial driver's license or commercial driver's license temporary instruction permit.

- (e)
 - (1) Whoever violates subsection (a), (b) or (d) of this section is guilty of a misdemeanor of the first degree.
 - (2) Whoever violates subsection (c) of this section may be assessed a fine not to exceed ten thousand dollars. (ORC 4506.20)

- (3) As used in this section, "cable television service", "computer", "computer software", "computer system", "computer network", "data", and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
- (k) "Law enforcement officer" means any of the following:
- (1) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or State highway patrol trooper;
 - (2) An officer, agent or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, Charter or ordinance, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;
 - (3) A mayor or manager in the mayor's or manager's capacity as chief conservator of the peace within the mayor's or manager's municipal corporation;
 - (4) A member of an auxiliary police force organized by county, township or municipal law enforcement authorities, within the scope of the member's appointment or commission;
 - (5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;
 - (6) A person appointed by a mayor pursuant to Ohio R.C. 737.10 as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
 - (7) A member of the organized militia of this State or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
 - (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer or municipal prosecutor;
 - (9) A veterans' home police officer appointed under Ohio R.C. 5907.02;
 - (10) A member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y);
 - (11) A special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28;
 - (12) The Senate Sergeant of Arms and or Assistant Sergeant at Arms;

- (13) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in Section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States Department of Transportation as provided in Parts 1542 and 1544 of Title 49 of the Code of Federal Regulations, as amended.
- (l) "Privilege" means an immunity, license or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office or relationship, or growing out of necessity.
- (m) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:
- (1) Any controlled substance, as defined in Ohio R.C. 3719.01, or any device, or paraphernalia;
 - (2) Any unlawful gambling device, or paraphernalia;
 - (3) Any dangerous ordnance or obscene material.
- (n) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.
- (o) "School", "school building" and "school premises" have the same meaning as in Ohio R.C. 2925.01.
- (p) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Ohio R.C. Chapter 3314; a governing board of an educational service center; or the governing body of a nonpublic school for which the Ohio Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07.
- (q) "School bus" has the same meaning as in Ohio R.C. 4511.01. (ORC 2901.01)

CHAPTER 505 Animals and Fowl

505.001	Definitions.	505.09	Barking or howling dogs.
505.01	Dogs and other animals running at large.	505.10	Animal bites; reports and quarantine.
505.02	Impounding and disposition; records.	505.11	Hunting prohibited.
505.03	Annual registration of dogs; tags required.	505.12	Coloring rabbits or baby poultry; sale or display of poultry.
505.04	Abandoning animals.	505.13	Dangerous wild animals and restricted snakes.
505.05	Killing or injuring animals.	505.14	Dangerous dogs.
505.06	Poisoning animals.	505.15	Rights of blind, deaf or hearing impaired, or mobility impaired person, or trainer with assistance dog.
505.07	Cruelty to animals generally.		
505.071	Cruelty to companion animals.	505.99	Penalty.
505.08	Nuisance conditions prohibited.		

CROSS REFERENCES

See sectional histories for similar State law
Owner or keeper liable for damages - see Ohio R.C 951.10
Dog registration - see Ohio R.C. 955.01

505.001 DEFINITIONS.

As used in this chapter unless otherwise specifically provided herein:

- (a) (1) "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(2) hereof has done any of the following:
 - A. Caused injury, other than killing or serious injury, to any person;
 - B. Killed another dog;
 - C. Been the subject of a third or subsequent violation of Section 505.01(c).
- (2) "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.
- (b) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.
- (c) (1) Subject to subsection (c)(2) hereof, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

- (2) "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- (d) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.
- (e) "Serious injury" means any of the following:
 - (1) Any physical harm that carries a substantial risk of death;
 - (2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
 - (3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
 - (4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.
- (f) (1) "Vicious dog" means a dog that, without provocation and subject to subsection (f)(2) hereof has killed or caused serious injury to any person.
- (2) "Vicious dog" does not include either of the following:
 - A. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
 - B. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.
- (g) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (ORC 955.11)

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another. (ORC 951.02)

(b) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.

(c) No owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

- (1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape.
- (2) Keep the dog under the reasonable control of some person. (ORC 955.22)

(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section. (ORC 951.02)

505.14 DANGEROUS DOGS.

(a) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of a dangerous dog shall fail to do either of the following:

- (1) While that dog is on the premises of the owner, keeper or harborer, securely confine it at all times in a building, in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;
- (2) While that dog is off the premises of the owner, keeper or harborer, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
 - A. Keep that dog in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;
 - B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;
 - C. Muzzle that dog.

(b) No owner, keeper or harborer of a dangerous dog shall fail to do the following:

- (1) Obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, County Dog Warden, or public health official charged with enforcing this section;
- (2) Obtain a dangerous dog registration certificate from the County Auditor pursuant to Ohio R.C. 955.22(I), affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;
- (3) Notify the local Dog Warden immediately if any of the following occurs:
 - A. The dog is loose or unconfined.
 - B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.
 - C. The dog attacks another animal while the dog is off the property of the owner of the dog.
- (4) If the dog is sold, given to another person, or dies, notify the County Auditor within ten days of the sale, transfer or death.
(ORC 955.22)

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (b) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society at the owner's expense.

- (d) (1) Whoever violates subsection (b)(2) hereof is guilty of a misdemeanor of the fourth degree.
- (2) Whoever violates subsections (b)(1), (3) or (4) hereof is guilty of a minor misdemeanor. (ORC 955.99)

505.15 RIGHTS OF BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSON, OR TRAINER WITH ASSISTANCE DOG.

(a) When either a blind, deaf or hearing impaired, or mobility impaired person, or a training of an assistance dog is accompanied by an assistance dog, the person or trainer, as applicable, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, and lodging places, all places of public accommodation, amusement, or resort, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

- (1) The dog shall not occupy a seat in any public conveyance; and
- (2) The dog shall be leashed while using the facilities of a common carrier.
- (3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(b) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person, or a training of an assistance dog who is accompanied by an assistance dog, of any of the advantages, facilities or privileges provided in subsection (a) of this section, nor charge the person or training a fee or charge for the dog.
(ORC 955.43(A), (B))

(c) As used in this section:

- (1) "Assistance dog" means a dog that has been trained by a nonprofit or for-profit special agency and that is one of the following:
 - A. A guide dog;
 - B. A hearing dog;
 - C. A service dog.
- (2) "Blind" means either of the following:
 - A. Vision 20/20 or less in the better eye with proper correction;
 - B. Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.
- (3) "Guide dog" means a dog that has been trained or is in training to assist a blind person.
- (4) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.
- (5) "Institutions of education" means:
 - A. Any state university or college as defined in Ohio R.C. 3345.32;
 - B. Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713;
 - C. Any elementary or secondary school operated by a board of education;
 - D. Any chartered or nonchartered nonpublic elementary or secondary school; or
 - E. Any school issued a certificate of registration by the state Board of Career Colleges and Schools.

- (6) "Person with a mobility impairment" means any person, regardless of age, who is subject to a physiological impairment regardless of its cause, nature or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. The phrase includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise or perform any related function. The phrase also includes a person with a seizure disorder and a person who is diagnosed with autism.
- (7) "Service dog" means a dog that has been trained or is in training to assist a person with a mobility impairment.
(ORC 955.011(B), 955.43(C))

(d) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree. (ORC 955.99(D))

505.99 PENALTY.

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

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of one thousand dollars (\$1,000) or more, if the public place involved in a violation of this section is a school or an institution of higher education, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.

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

(e) As used in this section:

(1) "Biological agent" has the same meaning as in Ohio R.C. 2917.33.

(2) "Economic harm" means any of the following:

A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:

1. All wages, salaries, or other compensation lost as a result of the criminal conduct;
2. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

B. All costs incurred by the Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.07, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.

(3) "Emergency medical services personnel" has the same meaning as in Ohio R.C. 2133.21.

(4) "Institution of higher education" means any of the following:

A. A state university or college as defined in Ohio R.C. 3345.12(A)(1), community college, state community college, university branch, or technical college;

B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the Chancellor of Higher Education pursuant to Ohio R.C. Chapter 1713.

C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools under Ohio R.C. Chapter 3332. (ORC 2917.31)

(5) "School" means any school operated by a board of education or any school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

- (6) "Weapon of mass destruction" means any of the following:
- A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
 - B. Any weapon involving a disease organism or biological agent;
 - C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
 - D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:
 - 1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
 - 2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.

509.07 MAKING FALSE ALARMS.

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

- (1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;
- (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;
- (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.
- (4) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility.

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

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of one thousand dollars (\$1,000) or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.

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

- (e) As used in this section:

- (1) "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21.
- (2) "Economic harm" and "weapon of mass destruction" have the same meaning as in Section 509.06. (ORC 2917.32)

509.08 MINOR'S CURFEW.

(a) No person under the age of eighteen years shall loiter, idle, wander, play, or be in or upon a motor vehicle in or upon the public streets, highways, roads, alleys, parks, sidewalks, playgrounds or other public grounds, public places and public buildings, places of amusement or entertainment or vacant lots or other unsupervised places between the hours of 12:00 midnight and 6:00 a.m. The provisions of this section shall not apply to a person under the age of eighteen years when accompanied by his parent, guardian or other adult person having the care and custody of such minor, or where such minor is on an emergency errand or other legitimate business directed by his or her parent or guardian.

(b) No person shall aid, abet, influence or encourage any child under the age of eighteen years to violate this curfew.

(c) No person, being the parent or guardian or person having legal custody and control of any person under the age of eighteen years shall negligently allow a person under the age of eighteen years to violate this curfew.

(d) Whoever violates this section shall be guilty of a misdemeanor of the third degree. (Ord. 1996-22. Passed 12-16-96.)

509.09 IMPEDING PUBLIC PASSAGE OF AN EMERGENCY SERVICE RESPONDER.

(a) No person, without privilege to do so, shall recklessly obstruct any highway, street, sidewalk, or any other public passage in such a manner as to render the highway, street, sidewalk, or passage impassable without unreasonable inconvenience or hazard if both of the following apply:

- (1) The obstruction prevents an emergency vehicle from accessing a highway or street, prevents an emergency service responder from responding to an emergency, or prevents an emergency vehicle or an emergency service responder from having access to an exit from an emergency.
- (2) Upon receipt of a request or order from an emergency service responder to remove or cease the obstruction, the person refuses to remove or cease the obstruction.

(b) Subsection (a) of this section does not limit or affect the application of Ohio R.C. 2921.31 or any other section of the Ohio Revised Code. Any conduct that is a violation of subsection (a) of this section and that also is a violation of Ohio R.C. 2921.31 or any other section of the Ohio Revised Code may be prosecuted under this section, the other section of the Ohio Revised Code or both sections.

(c) Whoever violates this section is guilty of unlawfully impeding public passage of an emergency service responder, a misdemeanor of the first degree.

(d) As used in this section, "emergency service responder" has the same meaning as in Ohio R.C. 2903.13. (ORC 2917.14)

509.99 PENALTY.

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

CHAPTER 513 Drug Abuse Control

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| <p>513.01 Definitions.</p> <p>513.02 Gift of marihuana.</p> <p>513.03 Drug abuse; controlled substance possession or use.</p> <p>513.04 Possessing drug abuse instruments.</p> <p>513.05 Permitting drug abuse.</p> <p>513.06 Illegal cultivation of marihuana.</p> <p>513.07 Possessing or using harmful intoxicants.</p> <p>513.08 Illegally dispensing drug samples.</p> <p>513.09 Controlled substance or prescription labels.</p> | <p>513.10 Hypodermic possession, display and dispensing.</p> <p>513.11 Harmful intoxicants; possessing nitrous oxide in motor vehicle.</p> <p>513.12 Drug paraphernalia.</p> <p>513.121 Marihuana drug paraphernalia.</p> <p>513.13 Counterfeit controlled substances.</p> <p>513.14 Offender may be required to pay for controlled substance tests.</p> <p>513.15 Prohibition on the use, possession and sale of synthetic cannabinoids and other synthetic drugs.</p> <p>513.16 Sale of dextromethorphan.</p> <p>513.17 Adult use cannabis control; limitations on conduct by individuals.</p> <p>513.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19
 Analysis report and notarized statement as evidence - see Ohio R.C. 2925.51
 Criteria for granting probation - see Ohio R.C. 3719.70(B)
 Adulterating food with drug of abuse - see GEN. OFF. 537.13
 Using weapons while under the influence - see GEN. OFF. 549.03.
 Medical marihuana activities prohibited - see P. & Z. 1151.10

513.01 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 Ohio R.C. 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
- (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio 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 subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
 - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (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 thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
 - (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
 - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;

- (ss) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in Ohio 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 Ohio 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 Ohio 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 Ohio 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 Ohio R.C. Chapter 4703;
 - (3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under Ohio R.C. Chapter 4707;
 - (5) A person who has been issued a certificate of registration as a registered barber under Ohio 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 Ohio 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 Ohio 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 Ohio 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 Ohio 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 Ohio R.C. Chapter 4723;
 - (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;
 - (12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;
 - (13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;
 - (14) A person licensed under Ohio 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 Ohio 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 Ohio 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 Ohio 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, independent school psychologist, or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 3776;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio 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 Ohio R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio 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 Ohio R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio 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 Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;

- (36) A person who has been issued a home inspector license under Ohio 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 Ohio 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 Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (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 Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (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 Ohio 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 Ohio R.C. 3719.01.
(ORC 2925.01)

513.02 GIFT OF MARIHUANA.

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

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

(c) The court may 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)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

(e) Whoever violates subsection (b) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor.
(ORC 2925.62)

513.17 ADULT USE CANNABIS CONTROL; LIMITATIONS ON CONDUCT BY INDIVIDUALS.

(a) Except as otherwise provided in Ohio R.C. Chapter 3780 and notwithstanding any conflicting provision of this code or the Ohio Revised Code, an adult use consumer, may do the following:

- (1) Use adult use cannabis;
- (2) Possess, transfer without remuneration to another adult consumer, or transport adult use cannabis, subject to subsection (b) of this section; and
- (3) Purchase adult use cannabis from an adult use dispensary per day in amounts that do not exceed the possession limits set forth in subsection (b)(1) of this section.

(b) Except as otherwise provided in Ohio R.C. Chapter 3796:

- (1) The amount of cannabis that may be possessed by an adult use consumer shall not exceed:
 - A. Two and one-half ounces of adult use cannabis in any form except adult use extract; and
 - B. Fifteen grams of adult use cannabis in the form of adult use extract.
- (2) The amount of cannabis that may be transferred by an adult use consumer without remuneration and not advertised or promoted to the public shall not exceed:
 - A. Two and one-half ounces of adult use cannabis in any form except adult use extract; and
 - B. Fifteen grams of adult use cannabis in the form of adult use extract.
- (3) The amount of cannabis that may be transported by an adult use consumer shall not exceed:
 - A. Two and one-half ounces of adult use cannabis in any form except adult use extract; and
 - B. Fifteen grams of adult use cannabis in the form of adult use extract.

(c) Except as otherwise provided in Ohio R.C. Chapter 3780, an adult use consumer shall not be subject to arrest, criminal prosecution, or civil penalty for engaging in any of the activities authorized under Ohio R.C. Chapter 3780, including:

- (1) Obtaining, using, possessing, or transporting adult use cannabis;
- (2) Performing conduct authorized under Ohio R.C. 3780.29;
- (3) Acquiring, possessing, using, purchasing, manufacturing, selling, or transporting paraphernalia; and
- (4) Assisting another adult use consumer, or allowing property to be used, in any of the acts authorized by Ohio R.C. Chapter 3780.

- (d) (1) An individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while using adult use cannabis or while under the influence of adult use cannabis and is subject to Ohio R.C. 4511.19 or a substantially equivalent municipal ordinance for any violation of this division.

- (2) An individual is prohibited from smoking, vaporizing, or using any other combustible adult use cannabis product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft and is subject to Ohio R.C. 4511.19 or a substantially equivalent municipal ordinance for any violation of this section.

(e) Except as otherwise provided in Ohio R.C. Chapter 3780, no individual under twenty-one years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780.

(f) Nothing in Ohio R.C. Chapter 3780 is intended to permit the transfer or sale of adult use cannabis, with or without remuneration, to an individual under twenty-one years of age, or to allow an individual under twenty-one years of age to purchase, possess, use, process, transport, or cultivate cannabis except where authorized by Ohio R.C. Chapter 3796.

(g) It is unlawful for any parent or guardian to knowingly permit their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under twenty-one years of age, in a manner that constitutes a violation of Ohio R.C. Chapter 3780.

- (1) A parent or guardian is deemed to have knowingly permitted their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used in violation of Ohio R.C. Chapter 3780 if they knowingly authorize or permit consumption of cannabis by underage invitees.
- (2) Where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.
(ORC 3780.36)

(h) Penalties.

- (1) Except as otherwise provided in Ohio R.C. Chapter 3796, Ohio R.C. 2925.11 or a substantially equivalent municipal ordinance shall apply when an adult use consumer possesses an amount of cannabis greater than the limits set forth in subsection (b)(1) of this section.
- (2) Except as otherwise provided in Ohio R.C. Chapter 3780, an adult use consumer who uses adult use cannabis in public areas, or who violates subsection (d)(2) of this section as a passenger, is guilty of a minor misdemeanor.
- (3) A. An individual under twenty-one years of age who knowingly shows or gives false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780 is guilty of a misdemeanor of the first degree. If, in committing a first violation, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months.

- B. On a second violation in which, for the second time, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
 - C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. Except as provided in this subsection, the court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
- (4) An individual who is under twenty-one years of age and who solicits another individual to purchase adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780 is guilty of:
 - A. For a first violation, a misdemeanor of the fourth degree; and
 - B. For a second or subsequent violation, a misdemeanor of the second degree.
 - (5) An employee or agent of an adult use dispensary licensed under Ohio R.C. Chapter 3780 who knowingly sells cannabis to an individual under twenty-one years of age is guilty of a misdemeanor of the first degree.
 - (6) Any individual who violates Ohio R.C. 3780.10(A), or 3780.29(F), is guilty of the illegal trafficking in drugs under Ohio R.C. 2925.03 and the illegal manufacture of drugs under Ohio R.C. 2925.04.

- (7) Any individual who violates subsection (b)(2) or (b)(3) of this section is guilty of the illegal trafficking in drugs under Ohio R.C. 2925.03.
- (8) Any individual who violates Ohio R.C. 3780.20(B) is guilty of illegal dispensing of drug samples under Ohio R.C. 2925.36 or a substantially equivalent municipal ordinance.
- (9) A. An individual who violates subsection (g) of this section is guilty of:
 - 1. For a first violation, a misdemeanor of the third degree; and
 - 2. For a second or subsequent violation, a misdemeanor of the first degree.
- B. If a violation of subsection (g) of this section directly or indirectly results in great bodily harm or death to any individual, the individual violating subsection (g) is guilty of a felony to be prosecuted under appropriate state law.
(ORC 3780.99)

513.99 PENALTY.

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

- (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, D-8, D-9, 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, A-2f, 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.
 - F. Beer or intoxicating liquor to be consumed in an outdoor area described in Ohio R.C. 4303.188(B)(1).
- (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:
- 1. "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.
 - 2. "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:
 - a. It is two and four-tenths miles or more in length.
 - b. It is located on two hundred acres or more of land.
 - c. The primary business of the owner of the facility is the hosting and promoting of racing events.
 - d. The holder of a D-1, D-2 or D-3 permit is located on the property of the facility.
- (7) A. A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under Ohio R.C. 4301.82, if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class or F class permit holder to which both of the following apply:
- 1. The permit holder's premises is located within the outdoor refreshment area.
 - 2. The permit held by the permit holder has an outdoor refreshment area designation.
- B. Subsection (c)(7) of this section does not authorize a person to do either of the following:

convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

- (4) Except as otherwise provided in subsection (c)(4) of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (b)(1), (2) or (3) of this section is a felony and shall be prosecuted under appropriate state law.
 - (5) A violation of subsection (b)(4) of this section is a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to any violation of this section in which case the violation is a felony and shall be prosecuted under appropriate state law.
- (d) (1) If either of the following applies, the court may determine at the time of sentencing whether to classify the offender as a tier I sex offender/child-victim offender for a violation of subsection (b)(4) of this section:
 - A. The offender is less than ten years older than the other person.
 - B. The offender is ten or more years older than the other person and the offender has not previously been convicted of or pleaded guilty to any violation of this section.
 - (2) If the offender is convicted of or pleads guilty to a violation of subsection (b)(4) of this section, is ten or more years older than the other person, and previously has been convicted of or pleaded guilty to any violation of this section, the court shall issue an order at the time of sentencing that classifies the offender as a tier I sex offender/child-victim offender subject to registration under Ohio R.C. 2950.04, 2950.041, 2950.05 and 2950.06. (ORC 2907.09)

533.08 PROCURING; ENGAGEMENT IN SEXUAL ACTIVITY FOR HIRE.

- (a) Procuring. No person, knowingly and for gain, shall do either of the following:
 - (1) A. Entice or solicit another to patronize a prostitute or brothel;
 - B. Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.
 - (2) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.
 - (3) Whoever violates subsection (a)(1)A. or B. of this section is guilty of procuring. Except as otherwise provided in this subsection (c), procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(1)B. of this section is under eighteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(1)B. of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (a)(2) of this section is under eighteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(2) of this section knows the prostitute's age, procuring is a felony and shall be prosecuted under appropriate state law.

(b) Engagement in Sexual Activity for Hire.

- (1) As used in this subsection (b) of this section:
 - A. "Person with a developmental disability" has the same meaning as in Ohio R.C. 2905.32.
 - B. "Sexual activity for hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.
- (2) No person shall recklessly induce, entice, or procure another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person.
- (3) No person shall recklessly induce, entice, or procure another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person if the other person is a person with a developmental disability and the offender knows or has reasonable cause to believe that the other person is a person with a developmental disability.
- (4) Whoever violates subsection (b)(2) of this section is guilty of engaging in prostitution, a misdemeanor of the first degree. Whoever violates subsection (b)(3) of this section is guilty of engaging in prostitution with a person with a developmental disability, a felony to be prosecuted under appropriate state law. In sentencing an offender under this subsection for a violation of subsection (b)(2) of this section, the court shall require the offender to attend an education or treatment program aimed at preventing persons from inducing, enticing, or procuring another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person. Notwithstanding the fine specified in Ohio R.C. 2929.28(A)(2)(a) for a misdemeanor of the first degree, in sentencing an offender under this subsection for a violation of subsection (b)(2) of this section, the court may impose upon the offender a fine of not more than one thousand five hundred dollars (\$1,500). (ORC 2907.231)

533.09 SOLICITING.

(a) No person shall knowingly solicit another to engage in sexual activity for hire in exchange for the person receiving anything of value from the other person.

(b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of subsection (a) of this section.

(c) As used in subsection (a) of this section, "Sexual Activity for Hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.

- (d) (1) Whoever violates subsection (a) of this section is guilty of soliciting. Soliciting is a misdemeanor of the third degree.
- (2) Whoever violates subsection (b) of this section is guilty of engaging in solicitation after a positive HIV test, a felony to be prosecuted under appropriate state law. (ORC 2907.24)

533.091 LOITERING TO ENGAGE IN SOLICITATION.

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

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

(b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of subsection (a) of this section.

(c) As used in subsection (a) of this section:

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

- (d) (1) Whoever violates subsection (a) of this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.
- (2) Whoever violates subsection (b) of this section is guilty of loitering to engage in solicitation after a positive HIV test, a felony to be prosecuted under appropriate state law.
(ORC 2907.24, 2907.241)

533.10 PROSTITUTION.

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

(b) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in sexual activity for hire.

- (c) (1) Whoever violates subsection (a) of this section is guilty of prostitution, a misdemeanor of the third degree.
- (2) Whoever violates subsection (b) of this section is guilty of engaging in prostitution after a positive HIV test, a felony to be prosecuted under appropriate state law.
(ORC 2907.25)

533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.

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

- (1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
 - (2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
 - (3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.
- (b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:
- (1) The defendant is the parent, guardian or spouse of the juvenile involved.
 - (2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.
 - (3) The juvenile exhibited to the defendant or the defendant's agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.
- (c) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.
- (2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.
- (d) (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.
- (2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:

- A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.
- B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

(e) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.

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

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

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

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

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

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

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

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

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

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

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

533.14 UNLAWFUL ADVERTISING OF MASSAGE.

(a) No person, by means of a statement, solicitation, or offer in a print or electronic publication, sign, placard, storefront display, or other medium, shall advertise massage, relaxation massage, any other massage technique or method, or any related service, with the suggestion or promise of sexual activity.

(b) Whoever violates this section is guilty of unlawful advertising of massage, a misdemeanor of the first degree.

(c) Nothing in this section prevents the legislative authority of a municipal corporation or township from enacting any regulation of the advertising of massage further than and in addition to the provisions of subsections (a) and (b) of this section. (ORC 2927.17)

533.15 DISSEMINATION OF PRIVATE SEXUAL IMAGES.

(a) As used in this section:

- (1) "Disseminate" means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.
- (2) "Image" means a photograph, film, videotape, digital recording or other depiction or portrayal of a person.
- (3) "Interactive computer service" has the meaning defined in the "Telecommunications Act of 1996", 47 U.S.C. 230, as amended.
- (4) "Internet provider" means a provider of internet service, including all of the following:
 - A. Broadband service, however defined or classified by the federal communications commission;
 - B. Information service or telecommunication service, both as defined in the "Telecommunications Act of 1996" 47 U.S.C. 153, as amended.
 - C. Internet protocol-enabled services, as defined in Ohio R.C. 4927.01.
- (5) "Mobile service" and "telecommunications carrier" have the meanings defined in 47 U.S.C. 153, as amended.
- (6) "Cable service provider" has the same meaning as in Ohio R.C. 1332.01.
- (7) "Direct-to-home satellite service" has the meaning defined in 47 U.S.C. 303, as amended.
- (8) "Video service provider" has the same meaning as in Ohio R.C. 1332.21.
- (9) "Sexual act" means any of the following:
 - A. Sexual activity;
 - B. Masturbation;
 - C. An act involving a bodily substance that is performed for the purpose of sexual arousal or gratification;
 - D. Sado-masochistic abuse.

(b) No person shall knowingly disseminate an image of another person if all of the following apply:

- (1) The person in the image is eighteen years of age or older;
- (2) The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.
- (3) The person in the image is in a state of nudity or is engaged in a sexual act;
- (4) The image is disseminated without consent from the person in the image;
- (5) The image is disseminated with intent to harm the person in the image.

- B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony.
- (10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in Ohio R.C. 2941.1423 that was included in the indictment, count in the indictment or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of Ohio R.C. 2929.24.
- (11) A prosecution for a violation of subsections (a) or (b) of this section does not preclude a prosecution for a violation of any other section of the Ohio Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under subsections (a) or (b) of this section or any other section of the Ohio Revised Code may be prosecuted under subsections (a) or (b) of this section, the other sections of the Ohio Revised Code, or both sections. However, if an offender is convicted of or pleads guilty to a violation of subsections (a) or (b) of this section and also is convicted of or pleads guilty to a violation of Ohio R.C. 2903.22, or any substantially equivalent municipal ordinance, based on the same conduct involving the same victim that was the basis of the violation of subsections (a) or (b) of this section, the offenses are allied offenses of similar import under Ohio R.C. 2941.25.
- (d) As used in this section:
- (1) "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
 - (2) "Firefighter" has the same meaning as in Ohio R.C. 3937.41.
 - (3) "Emergency medical service" has the same meaning as in Ohio R.C. 4765.01.
 - (4) "Local correctional facility" means a county, multicounty, municipal, municipal-county or multicounty-municipal jail or workhouse. A minimum security jail established under Ohio R.C. 341.23 or 753.21, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.
 - (5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.
 - (6) "School teacher or administrator" means either of the following:
 - A. A person who is employed in the public schools of the State under a contract described in Ohio R.C. 3311.77 or 3319.08 in a position in which the person is required to have a certificate issued pursuant to Ohio R.C. 3319.22 to 3319.311.
 - B. A person who is employed by a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07 and who is certified in accordance with Ohio R.C. 3301.071.
 - (7) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01.
 - (8) "Escorted visit" means an escorted visit granted under Ohio R.C. 2967.27.
 - (9) "Post-release control" and "transitional control" have the same meanings as in Ohio R.C. 2967.01.
 - (10) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.

- (11) "Health care professional" and "health care worker" have the same meanings as in Ohio R.C. 2305.234.
- (12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13 or 2903.14 committed in circumstances in which all of the following apply:
 - A. The victim of the offense was a health care professional of a hospital, a health care worker of a hospital or a security officer of a hospital.
 - B. The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital;
 - C. The victim was engaged in the performance of the victim's duties.
 - D. The hospital offered de-escalation or crisis intervention training for such professionals, workers or officers.
- (13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.
- (14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13 or 2903.14 committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.
- (15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this State or of a United States court located in this State.
- (16) "Judge" means a judge of a court created under the constitution or statutes of this State or of a United States court located in this State.
- (17) "Magistrate" means an individual who is appointed by a court of record of this State and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this State who has similar powers and functions.
- (18) "Prosecutor" has the same meaning as in Ohio R.C. 2935.01.
- (19) A. "Hospital" means, subject to subsection (d)(19)B. of this section, an institution classified as a hospital under Ohio R.C. 3701.01 in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.
- B. "Hospital" does not include any of the following:
 - 1. A facility licensed under Ohio R.C. Chapter 3721, a health care facility operated by the Department of Mental Health or the Department of Developmental Disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

- B. The natural parent of any child of whom the recipient of the telecommunication against whom the act prohibited in subsection (a)(9) of this section is committed is the other natural parent or is the putative other natural parent.
- (6) "Person living as a spouse" means a person who is living or has lived with the recipient of the telecommunication against whom the act prohibited in subsection (a)(9) of this section is committed in a common law marital relationship, who otherwise is cohabiting with the recipient, or who otherwise has cohabited with the recipient within five years prior to the date of the alleged commission of the act in question.
- (7) "Cable operator" has the same meaning as in Ohio R.C. 1332.21.

(h) Nothing in this section prohibits a person from making a telecommunication call to a debtor that is in compliance with the "Fair Debt Collection Practices Act", 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act", 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. (ORC 2917.21)

537.11 THREATENING OR HARASSING TELEPHONE CALLS.

(EDITOR'S NOTE: Former Ohio R.C. 4931.31 from which Section 537.11 was derived was repealed by Senate Bill 162, effective September 13, 2010. See now Section 537.10 "Telecommunication Harassment".)

537.12 MISUSE OF 9-1-1 SYSTEM.

(a) "9-1-1 system" means a system through which individuals can request emergency service using the access number 9-1-1. (ORC 128.01(A))

(b) No person shall knowingly use the telephone number of the 9-1-1 system established under Ohio R.C. Chapter 128 to report an emergency if he knows that no emergency exists.

(c) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service.

(d) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the data base that serves the public safety answering point of a 9-1-1 system established under Ohio R.C. Chapter 128, except for any of the following purposes or under any of the following circumstances:

- (1) For the purpose of the 9-1-1 system;
- (2) For the purpose of responding to an emergency call to an emergency service provider;
- (3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;
- (4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the steering committee.

- (5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the steering committee. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the steering committee. (ORC 128.32)
- (e) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.
- (2) Whoever violates subsection (c) or (d) hereof is guilty of a misdemeanor of the fourth degree on a first offense. For each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law. (ORC 128.99)

537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.

(a) No person shall do either of the following, knowingly or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:

- (1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;
- (2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 3716.99(C))

537.14 DOMESTIC VIOLENCE.

(a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(b) No person shall recklessly cause serious physical harm to a family or household member.

(c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

- (d) (1) Whoever violates this section is guilty of domestic violence.
- (2) Except as otherwise provided in subsection (d)(3) to (5) of this section, a violation of subsection (c) of this section is a misdemeanor of the fourth degree, and a violation of subsection (a) or (b) of this section is a misdemeanor of the first degree.
- (3) Except as otherwise provided in subsection (d)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of Ohio R.C. 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the

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

(a) Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products.

(1) As used in this section:

- A. "Age verification." A service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.
- B. "Alternative nicotine product."
 - 1. Subject to subsection (a)(1)B.2. of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.
 - 2. The phrase does not include any of the following:
 - a. Any cigarette or other tobacco product;
 - b. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);
 - c. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);
 - d. Any product that is a "combination product" as described in 21 U.S.C. 353(g).
- C. "Cigarette." Includes clove cigarettes and hand-rolled cigarettes.
- D. "Distribute." Means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.
- E. "Electronic smoking device." Means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- F. "Proof of age." Means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is twenty-one years of age or older.

- G. "Tobacco product." Means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
 - H. "Vapor product." Means a product, other than a cigarette or other tobacco product as defined in Ohio R.C. Chapter 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. The phrase includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). The phrase includes any product containing nicotine, regardless of concentration.
 - I. "Vending machine." Has the same meaning as "coin machine" in Ohio R.C. 2913.01.
- (2) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:
- A. Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes:
 - 1. To any person under twenty-one years of age; or
 - 2. Without first verifying proof of age.
 - B. Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law;
 - C. Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;
 - D. Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

- E. Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;
 - F. Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.
 - G. Allow an employee under eighteen years of age to sell any tobacco product;
 - H. Give away or otherwise distribute free samples of cigarettes, other tobacco products, alternative nicotine products, or coupons redeemable for cigarettes, other tobacco products or alternative tobacco products.
- (3) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:
- A. An area within a factory, business, office, or other place not open to the general public;
 - B. An area to which persons under twenty-one years of age are not generally permitted access;
 - C. Any other place not identified in subsection (a)(3)A. or B. of this section, upon all of the following conditions:
 - 1. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.
 - 2. The vending machine is inaccessible to the public when the place is closed.
 - 3. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of twenty-one to purchase tobacco or alternative nicotine products."
- (4) The following are affirmative defenses to a charge under subsection (a)(2)A. of this section:
- A. The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.
 - B. The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under subsection (a)(2)A. of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

- (5) A. It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:
1. The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.
 2. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.
 3. The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.
- B. It is not a violation of subsection (a)(2)A. or B. of this section for an employer to permit an employee eighteen, nineteen or twenty years of age to sell a tobacco product.
- (6) A. No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following:
1. Alternative nicotine products;
 2. Papers used to roll cigarettes;
 3. Tobacco products other than cigarettes.
- B. A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in subsections (a)(6)A1. to 3. of this section.
- (7) Whoever violates subsections (a)(2)A., B., D., E., F., G., H., (3) or (6) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
- (8) Whoever violates subsection (a)(2)C. of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)C. of this section or a substantially equivalent state law or municipal ordinance, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
- (9) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981. (ORC 2927.02)

(b) Transaction Scan.

- (1) For the purpose of this subsection (b) and subsection (c) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent or employee.
 - B. "Identification card." An identification card issued under Ohio R.C. 4507.50 to 4507.52.
 - C. "Seller." A seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of subsection (a) of this section.
 - D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.
 - E. "Transaction scan device." Any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.
- (2)
 - A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder cigarettes, other tobacco products, or alternative nicotine products.
 - B. If the information deciphered by the transaction scan performed under subsection (b)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.
 - C. Subsection (b)(2)A. of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.
- (3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (b) and subsection (c) of this section.

- (4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:
 - 1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;
 - 2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.
- B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (b)(4)A. of this section, except for purposes of subsection (c) of this section.
- C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.
- D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (c) of this section or another section of these Codified Ordinances or the Ohio Revised Code.
- (5) Nothing in this subsection (b) or subsection (c) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away or other distribution of cigarettes, other tobacco products, or alternative nicotine products.
- (6) Whoever violates subsection (b)(2)B. or (b)(4) of this section is guilty of engaging in an illegal tobacco product or alternative nicotine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars (\$1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(ORC 2927.021)
- (c) Affirmative Defenses.
 - (1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (a) of this section in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:
 - A. A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.
 - B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

- C. The cigarettes, other tobacco products, or alternative nicotine products were sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.
- (2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (c)(1) of this section, the trier of fact in the action for the alleged violation of subsection (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (a) of this section. For purposes of subsection (c)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:
- A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is twenty-one years of age or older;
- B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (3) In any criminal action in which the affirmative defense provided by subsection (c)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(ORC 2927.022)
- (d) Shipment of Tobacco Products.
- (1) As used in this subsection (d):
- A. "Authorized recipient of tobacco products" means:
1. In the case of cigarettes, a person who is:
 - a. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
 - b. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
 - c. An export warehouse proprietor as defined in Internal Revenue Code Section 5702;
 - d. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;
 - e. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
 - f. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
 - g. A person having a consent for consumer shipment issued by the Ohio Tax Commissioner under Ohio R.C. 5743.71.

2. In the case of electronic smoking devices or vapor products, a person who is:
 - a. Licensed as a distributor of tobacco or vapor products under Ohio R.C. 5743.61;
 - b. A retail dealer of vapor products, as defined in Ohio R.C. 5741.01(C)(3), that is not licensed as a vapor distributor, as long as the tax levied by Ohio R.C. 5743.51, 5743.62, or 5743.63, as applicable, has been paid;
 - c. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;
 - d. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
 - e. A department, agency, instrumentality, or political subdivision of the federal government or of this state.
- B. "Motor Carrier," Has the same meaning as in Ohio R.C. 4923.01.
- (2) The purpose of this section is to prevent the sale of cigarettes, electronic smoking devices, and vapor products to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.
- (3) A. No person shall cause to be shipped any cigarettes, electronic smoking devices, and vapor products to any person in this municipality other than an authorized recipient of tobacco products.
- B. No motor carrier, or other person shall knowingly transport cigarettes, electronic smoking devices, and vapor products to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes, electronic smoking devices, and vapor products are transported to a home or residence, it shall be presumed that the motor carrier, or other person knew that the person to whom the cigarettes, electronic smoking devices, and vapor products were delivered was not an authorized recipient of tobacco products.
- (4) No person engaged in the business of selling cigarettes, electronic smoking devices, and vapor products who ships or causes to be shipped cigarettes, electronic smoking devices, and vapor products to any person in this municipality in any container or wrapping other than the original container or wrapping shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes, electronic smoking devices, and vapor products are shipped with the words "cigarettes", "electronic smoking devices", or "vapor products", as applicable.
- (5) A court shall impose a fine of up to one thousand dollars (\$1,000) for each violation of subsection (d)(3)A., (d)(3)B. or (d)(4) of this section. (ORC 2927.023)
- (e) Furnishing False Information to Obtain Tobacco Products.
 - (1) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.

- (2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree. (ORC 2927.024)

537.161 SMOKING AND POSSESSION OF TOBACCO PROHIBITED; AN ENFORCEMENT POLICY.

- (a) As used in this section:

- (1) "Smoke" means to burn any substance containing tobacco, including a lighted cigarette, cigar or pipe, or to burn a clove cigarette.
- (2) "Use tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco.

(b) No person under the age of eighteen years shall smoke or use tobacco or possess any substance containing tobacco.

(c) No person under the age of eighteen years shall attempt to purchase cigarettes or other tobacco products.

(d) Whoever violates this subsection is guilty of a misdemeanor of the fourth degree. (Ord. 1991-24. Passed 5-20-91.)

537.17 RESERVED.

(Editor's note: This section was formerly 537.17 Criminal Child Enticement, based on Ohio R.C. 2905.05, Criminal Child Enticement. The Ohio Supreme Court held that Ohio R.C. 2905.05(A) was unconstitutionally overbroad in violation of the First Amendment. See *State v. Romage*, 138 Ohio St. 3d. 390 (2014).)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

- (a) As used in this section:

- (1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
- (2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.

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

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

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

537.19 HAZING PROHIBITED.

(a) As used in this section:

- (1) "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in Ohio R.C. 3719.011.
- (2) "Organization" includes a national or international organization with which a fraternity or sorority is affiliated.

(b) (1) No person shall recklessly participate in the hazing of another.
 (2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization.

(c) (1) No person shall recklessly participate in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to the other person.
 (2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person.

(d) Whoever violates subsections (b) or (c) of this section is guilty of hazing. A violation of subsections (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsections (c)(1) or (c)(2) of this section is a felony to be prosecuted under appropriate state law. (ORC 2903.31)

(e) Reckless failure to immediately report knowledge of hazing.

- (1) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other public or private educational institution, who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred.
- (2) A violation of subsection (e)(1) of this section is a misdemeanor of the fourth degree, except that the violation is a misdemeanor of the first degree if the hazing causes serious physical harm.
 (ORC 2903.311(B), (C))

537.99 PENALTY.

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

- 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 subsection (b)(1)D. of this section shall require that person to submit to an annual criminal records check conducted in the same manner as Ohio R.C. 3319.39 or Ohio 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 Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (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 Ohio 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 Ohio R.C. 2923.126(B)(1) or (B)(3) to (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 Ohio 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 subsection (d)(2) of this section, if the offender has not attained nineteen 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 Director of Education and Workforce prescribes minimum standards under Ohio 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 Ohio 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 Ohio 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 subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in subsection (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in subsection (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.
(ORC 2923.122(C) - (G))

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

- (a) No person shall do either of the following:
 - (1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark or identification on a firearm.

- (2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this subsection, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(1) of this section, defacing identification marks of a firearm is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this subsection, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, possessing a defaced firearm is a felony and shall be prosecuted under appropriate State law.
(ORC 2923.201)

549.12 CONCEALED HANDGUN LICENSES; POSSESSION OF REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING SIGNS PROHIBITING POSSESSION.

- (a) Possession of a Revoked or Suspended Concealed Handgun License.
 - (1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.
 - (2) Whoever violates this subsection (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.
(ORC 2923.1211(B), (C))
- (b) Additional Restrictions. Pursuant to Ohio R.C. 2923.126:
 - (1) A concealed handgun license that is issued under Ohio R.C. 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in subsection (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.
 - (2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under Ohio R.C. 2923.12(B) or in any manner prohibited under Ohio R.C. 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:
 - A. A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal

that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.14(A) or Ohio R.C. 5123.03(A)(1);

- B. A school safety zone if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;
 - C. A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.123;
 - D. Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;
 - E. Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;
 - F. Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;
 - G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subsection (b)(2)C. of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;
 - H. A place in which federal law prohibits the carrying of handguns.
- (3) A. Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this subsection (b) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.
- B. 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or

property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.

3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

- C. 1. a. Except as provided in subsection (b)(3)C.2. of this section and Ohio R.C. 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.

- b. If a person knowingly violates a posted prohibition of the nature described in this subsection and the posted land or premises is a child care center, type A family child care home, or type B family child care home, unless the person is a licensee who resides in a type A family child care home or type B family child care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this subsection, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this subsection or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.
- 2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
- 3. As used in subsection (b)(3)C. of this section:
 - a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.
 - b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.
- (4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.
- (5) A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.

1155.03 PLANNING COMMISSION.

(a) Organization: The Planning Commission shall consist of five members, the Mayor, Safety-Service Director and three (3) citizens of the Municipality who shall serve without compensation, and who shall be appointed by the Mayor, with the approval of City Council, for a term of six years, except that the terms of two of the members of the first commission so appointed shall have terms of four years and two years respectively. Reference Ordinance 1943-22. The Mayor shall also appoint two alternate members, with the approval of City Council, who may be called upon to hear matters before Planning Commission if a member is unavailable or has a conflict of interest. Each appointed member shall serve until his or her successor is appointed and qualified. The Mayor, with the approval of City Council, shall fill any vacancies in Planning Commission by appointing a new member to the unexpired term of the previous member. The appointed members shall not hold any other office or employment with the City. (Ord. 2017-16. Passed 4-24-17.)

(b) Meetings: The Planning Commission shall meet at the call of the Mayor or his designee, upon a schedule determined by the Planning Commission, or upon the written call of two or more of its members. Such a written call by members shall be issued at least twelve hours prior to the meeting stated in the call, and shall be delivered to all members of the Planning Commission, the Mayor, and the Zoning Enforcement Officer, or delivered to their places of residence. No matters other than those set out in the written call shall be considered at the meeting. The notice and meeting shall be in compliance with the "Sunshine Law" requirements of Section 121.22 of the Ohio Revised Code.

All meetings requiring formal action shall be open to the public and records of all proceedings shall be kept including the vote of each member on each issue, members present or absent, the facts of each matter considered, and other minutes of the meeting. All records of proceedings shall be made available for public inspection, and copies shall be provided by the secretary of the Planning Commission to each member of Council. The chairman, or in his absence the vice-chairman, shall advise Council by letter if any Planning Commission member has absented himself from all meetings held during any period of ninety consecutive days or who has absented himself from a total of one-fourth of the regular meetings during a calendar year. Council shall consider removing such a member.

(c) Procedure: Three members shall constitute a quorum of the Planning Commission and the concurrence of three members is required for any action permitted by law or ordinance. (Ord. 2014-08. Passed 4-28-14.)

(d) Powers and Duties: The Planning Commission shall:

- (1) Review proposed amendments to Zoning Districts and/or the Zoning District Map and make recommendations to Council.
 - (2) Review petitions to vacate streets and/or alleys and make recommendations to Council.
 - (3) When appropriate initiate proposed amendments to this Zoning Ordinance and Map.
 - (4) Review, approve or disapprove subdivision plats and development plans for Planned District applications, with reference to the provisions of this Zoning Ordinance and the Subdivision Regulations of the City. Upon a request for a modification of an approved subdivision plat or development plan of a Planned District, notice of such request shall be served upon all adjacent property owners by ordinary U.S. mail.
 - (5) Carry out all other powers and duties conferred upon it by this Zoning Ordinance or other City Ordinances and the laws of the State of Ohio.
- (Ord. 2023-33. Passed 8-23-23.)

1155.04 ROLE OF COUNCIL IN ZONING MATTERS.

Council shall have the power to:

- (a) Initiate or act upon suggested amendments to the Zoning Ordinance text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a regular or special meeting of Council.
- (d) Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters of the City Council.
(Ord. 2014-08. Passed 4-28-14.)

1155.05 BOARD OF ZONING APPEALS.

(a) A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor, and approved by City Council. The term of all members shall be five (5) years and their terms shall be so arranged that the term of one (1) member shall expire each year. The Mayor shall also appoint two alternate members, with the approval of City Council, who may be called upon by the chairman to hear appeals if a member is unavailable or has a conflict of interest. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing either personally or by registered mail, or by leaving the same at his place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor, with the approval of council, and shall be for the unexpired term.

(b) The Board of Zoning Appeals may adopt rules and regulations governing the conduct of its affairs that are consistent with this Zoning Ordinance. All rules and regulations shall be filed with the Clerk of Council and made available for public inspection. The Board of Zoning Appeals shall annually choose from its membership a chairman and vice-chairman.
(Ord. 2014-08. Passed 4-28-14.)

1155.06 BOARD OF ZONING APPEALS; MEETINGS.

(a) The Board of Zoning Appeals shall meet at the call of the chairman or a majority of the members of the Board of Zoning Appeals or upon a schedule determined by the Board of Zoning Appeals. All meetings are public meetings and records of all proceedings shall be kept including the vote of each member on each issue, members present or absent, the facts of each matter considered and other minutes of the meeting. All records of proceedings shall be made available for public inspection, and copies shall be provided by the secretary of the Board of Zoning Appeals to each member of Council.

(b) The chairman, or in his absence, the vice-chairman, shall advise Council by letter if any Board of Zoning Appeals member has absented himself from all meetings held during any period of ninety consecutive days or who has absented himself from a total of one-fourth of the regular meetings during a calendar year. Council shall consider removing such member. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
(Ord. 2005-34. Passed 12-12-05.)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

ORDINANCE 2024-23

Meeting: 04/22/24 7:30 PM
Dept: Streets and Public Buildings
Severns, Ruckman
Category: Streets
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4016

AN ORDINANCE AUTHORIZING THE REMOVAL OF A PARKING SPACE ALONG THE SOUTH SIDE OF EAST CHESTNUT STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Commissioners of Knox County has requested the removal of a parking space behind the Knox County Courthouse along East Chestnut Street for security issues; and

WHEREAS, the Safety-Service Director has reviewed the proposed change and inquired about its effect upon nearby property owners; and

WHEREAS, the Council of the City of Mount Vernon has determined that it is appropriate to change the parking along East Chestnut based on this request.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety-Service Director is authorized and directed to remove parking space number twenty-five (25) from the south side of East Chestnut Street in the block between North Gay Street and North McKenzie Street.

SECTION 2: That this Ordinance be recorded in Title III, Section 305 of Traffic Control, of the Codified Ordinances of the City of Mount Vernon.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that to improve security surrounding the Knox County Courthouse area and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Severns made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-23, with a second by Ruckman. Motion to suspend passed by a roll-call vote of 7-0. Severns made a motion to adopt Ordinance No. 2024-23, with a second by Ruckman. Safety-Service Director Tanner Salyers explained that the County wants a parking spot on North Chestnut Street removed because it presents a safety issue behind the Courthouse. Engineer Brian Ball added that the parking lot there has been reconfigured. Motion to adopt passed by a roll-call vote of 7-0.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Mel Severns, Councilman
SECONDER: John Ruckman, Second Ward
AYES: Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman