



**CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2015-58:**

**AN ORDINANCE TO REVISE THE CODIFIED
ORDINANCES BY ADOPTING CURRENT
REPLACEMENT PAGES.**

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 such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA, STATE OF OHIO:

Section 1: That the ordinances of the City of Westlake, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the April 2015 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law: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

- 303.081 Impounding Vehicles on Private Residential Property. (Amended)
- 303.082 Tow Away Zones. (Amended)
- 331.42 Vehicular Operation on Street Closed Due to Rise in Water Level.
(Added)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation.
(Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension.
(Amended)

General Offenses Code

- 501.07 Requirements For Criminal Liability. (Amended)
- 501.08 Culpable Mental States. (Amended)
- 549.01 Weapons Definitions. (Amended)


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Section 3: 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. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 10, Article XI of the Charter of the City of Westlake.

Section 5: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary for the earliest publication and distribution of current replacement pages to the officials and residents of the City, so as to facilitate administration, daily operation and avoid legal entanglements including conflict with general State law, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 5/7/15




Michael P. Killeen
President of Council

Presented to Mayor: 5/8/15

Approved: 5/8/15

ATTEST:



Denise L. Rosenbaum, Clerk of Council



Dennis M. Clough, Mayor

I, Denise L. Rosenbaum, Clerk of Council of the City of Westlake do hereby certify that Ordinance/Resolution no. 2015-58 adopted 5/7/15 was duly posted on 5/8/15 and remained posted for a period of 15 days thereafter in not less than 2 of the most public places in the City as determined by the Charter of said City.

INSTRUCTIONS FOR INSERTING
APRIL 2015 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF WESTLAKE

All new replacement pages bear the footnote "April 2015 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

<u>Discard Old Pages</u>	<u>Insert New Pages</u>
<u>PRELIMINARY UNIT</u>	
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**CODIFIED
ORDINANCES
OF THE
CITY OF
WESTLAKE
OHIO**

Complete to April 16, 2015

CERTIFICATION

We, Dennis M. Clough, Mayor, and Denise L. Rosenbaum, Clerk of Council, pursuant to Ohio R.C. 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Westlake, 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 Westlake, Ohio, 1993, as amended to April 16, 2015.

/s/ Dennis M. Clough
Mayor

/s/ Denise L. Rosenbaum
Clerk of Council

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

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1972-223	12-7-72	Accepting an easement from John P. and Betty A. Bochar for the purpose of supplying water into Cottage Dr.
1973-90	8-16-73	Accepting an easement from King James South for a water main.
1973-135	4-18-74	Accepting an easement from Lester J. Dworman for water service to Timberline Subdivision.
1974-45	4-18-74	Accepting an easement from Raymond A. Merritt for construction of Sanitary Sewer District 1204 Contract C-1.
1974-46	4-18-74	Accepting an easement from Mildred H. Balthaser for construction of Sanitary Sewer District 1204 Contract C-1.
1974-64	6-13-74	Accepting easements from Carl M. and Julia Limpert for construction of Sanitary Sewer District 1201 Contract E-9.
1974-74	6-20-74	Accepting an easement from Milan G. Busta and Paul Lipman for construction of Sanitary Sewer District 1204 Contract C-1.
1974-81	6-20-74	Accepting an easement from Samuel M. Perrone for water service in King James South.
1974-103	8-22-74	Accepting an easement from Westlake Land Co. for construction of Sanitary Sewer District 1201 Contract E-17.
1974-104	8-22-74	Authorizes Mayor to enter into a license agreement with the Cleveland Electric Illuminating Co. for construction, etc., of high pressure sanitary sewer lines on Contract E-17.
1975-114	9-4-75	Vacating a portion of an easement on Sublot No. 109 in the Canterbury Manor Subdivision.
1976-40	4-1-76	Accepting an easement from the owners of Dover Wood Estates Subdivision Phase 1 and Phase 2 for drainage purposes.
1976-59	4-15-76	Accepting an easement from Samuel M. Perrone, Trustee for supplying water service by the City of Cleveland to Aynsley Ct. in King James South.
1976-60	4-15-76	Accepting an easement from Samuel M. Perone, Trustee, and Westland Builders, Inc., for supplying water service by the City of Cleveland to Banbury Ct. and Danford Sq. in King James South.
1976-81	5-20-76	Accepting an easement from William J. and Ruth F. Woyan for construction of a bridge over Sperry Creek and for sewer purposes.
1976-82	5-20-76	Accepting perpetual and temporary easements from the Church of the Unity, Inc., for construction of a sanitary sewer, a bridge over Sperry Creek and a temporary driveway.
1976-97	6-3-76	Accepting an easement from Elmer J. and Helen G. Wagar for construction of a bridge over Sperry Creek.

TABLE B - EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
1976-98	6-3-76	Accepting an easement from Elmer J. and Helen G. Wagar for sewer purposes.
1976-105	6-17-76	Accepting an easement from Leonard X. Freeman for sewer purposes.
1976-106	7-15-76	Accepting an easement from John F. and Edna M. Malone for sewer purposes.
1976-109	7-1-76	Accepting an easement from Samuel M. Perrone, Trustee for supplying water service by the City of Cleveland to Two King James South Office Building.
1976-110	7-1-76	Accepting an easement from Rockport Development Corp. for sewer purposes.
1976-118	7-15-76	Accepting easements from Danco Metal Products, Inc., Rud-Ric, Inc. and Schibley Solvent and Chemical Co., Inc., for sewer purposes.
1976-119	7-15-76	Accepting an easement from J. Scott and Mary Faucher for sewer purposes.
1976-120	7-15-76	Accepting an easement from Spartico and Ann DiBenedetto for sewer purposes in the Sandy Ridge Subdivision Nos. 7 and 11.
1976-133	9-2-76	Accepting an easement from Richard P. and Shirlee M. Needles and Westlake Development Co. for supplying water service by the City of Cleveland to Dover Woods Estates Subdivision II.
1976-148	10-7-76	Accepting revised easements from Mr. and Mrs. Earl Danielson, Danco Metal Products, Inc., Rud-Ric, Inc., and Schibley Solvent and Chemical Co., Inc., for sewer purposes.
1976-191	12-2-76	Accepting an easement from John A. and Alexandria A. Weeda for supplying water service by the City of Cleveland to the Weeda Apartments.
1977-16	1-20-77	Accepting the revised easement from the Church of the Unity, Inc., for the construction of a sanitary sewer, the Sperry Creek Bridge and temporary driveway and appurtenances thereto.
1977-38	2-17-77	Accepting an easement from Julia and Carl Limpert for storm drainage purposes.
1977-43	3-3-77	Accepting an easement from Flair Builders for supplying water service by the City of Cleveland to the Bay Landing Condominiums.
1977-7	4-21-77	Accepting an easement from Dorothy C. Dindia for street purposes at the intersection of Detroit and Columbia Rds.
1977-8	4-21-77	Accepting an easement from Lucia Dindia McIntyre for street purposes at the intersection of Detroit and Columbia Rds.
1977-9	4-21-77	Accepting an easement from Dorothy Dindia for street purposes at the intersection of Detroit and Columbia Rds.
1977-96	6-2-77	Accepting easements from Mary Elizabeth and Frederick Troyan for sewer purposes.

TABLE C - VACATING OF STREETS AND ALLEYS

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
718	6-3-26	Northview Rd.
1956-34	3-1-56	Portion of North Glen Rd.
1956-80	5-3-56	Portion of First St.
1956-130	8-16-56	Alley in C.O. Frick-Gravener Co. Subdivision.
1965-41	7-29-65	Valley Ford Rd. from Cahoon Rd. to Richmar Dr.
1967-31	4-20-67	Portion of Woodlawn Ave.
1967-39	5-18-67	Certain streets abutted by property of the Cleveland Metropolitan Park District: Brookpark Rd., Guildford Rd., Whitehaven Ave., Wellesley Ave., and Pence Rd.
1967-59	7-20-67	Part of Bailus Rd.
1967-75	7-20-67	Portion of Strawberry Lane, McCrone's Subdivision No. 2.
1969-158	10-16-69	A portion of First St. through Norman Cougill's parcel.
1974-146	1-2-75	Winona Dr.
1976-165	12-16-76	A 50 ft. right of way from Hilliard Blvd. south between Permanent Parcel Nos. 216-25-01 and 216-26-05.
1980-159	10-16-80	Portion of Robinson Ave. west from Clague Rd., and portion of Hawkins Rd. north from Robinson Ave.
1980-160	10-16-80	Portion of Woodlawn Way from N. Boundary of Woods of Westlake Subdivision to S. right of way of Westchester Pkwy.
1982-68	7-15-82	Portion of Mildred Ave. from back line of Cavano property to I-90.
1982-98	9-16-82	Unnamed paper street W. of Westhill Blvd. in Westhill Estates Subdivision 2.
1984-45	3-15-84	A portion of Virginia Dr.
1986-82	6-5-86	Portion of Virginia Dr. and Mildred Ave.
1986-254	12-18-86	Portion of Pin Oak Dr.
1989-26	1-19-89	Portion of Karen Dr. within the West Park Ridge Subdivision.
1989-142	6-15-89	Portion of Pin Oak Dr.
1992-188	12-17-92	Portion of Pin Oak Dr.
1993-197	10-21-93	Portion of Reed Rd.
1994-222	11-17-94	Portion of Weston Ave.
1996-132	9-19-96	Southeast portion of Jenkins Rd.
1996-247	1-16-97	Part of the easterly end of Primrose Lane. See also this Ord. 1996-247 in Tables B and E.
1997-87	5-15-97	Portion of Reed Rd.
2003-153	10-16-03	Portion of Arthur Avenue.
2005-86	10-6-05	Portion of dedicated paper street on part of Permanent Parcel No. 216-02-025.
2010-21	3-18-10	A portion of the Clemens Road right of way.
2013-91	6-6-13	Amends 2003-153 as to the vacation of a part of Arthur Ave.

TABLE D - DEDICATION AND PLAT APPROVAL (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 1978-44	5-18-78	Approving the preliminary plan of Phase II - Savannah Subdivision.
Res. 1978-62	7-6-78	Approving the preliminary plan of Westwood Acres Subdivision No. 2.
1978-42	12-7-78	Accepting the plat, for recording purposes, of Emma Frick, owner of proposed Emma Frick Subdivision.
1978-78	7-27-78	Tentatively accepting plat, for recording purposes of John Costello, owner of the Bretton Woods Park Subdivision, Phase I.
1978-79	7-27-78	Tentatively accepting plat for recording purposes of Spartico and Ann DiBenedetto, owners of Sandy Ridge Subdivision No. 8, Phase III and IV.
1978-80	7-27-78	Tentatively accepting plat, for recording purposes of Richard P. Needles, owner of Dover Wood Estates Subdivision No. 3, Phase III.
Res. 1978-100	9-21-78	Approving the preliminary plan of Point West Subdivision No. 2.
Res. 1978-101	9-21-78	Approving the preliminary plan of Rockport Subdivision No. 2-A.
Res. 1978-102	9-21-78	Approving the preliminary plan of Bay Landing Subdivision.
1978-99	11-2-78	Tentatively accepting plat, for recording purposes, of Forest City Enterprises, Inc., owners of Canterbury-Westlake Subdivision.
1978-112	11-16-78	Tentatively accepting plat, for recording purposes, of Con-Dev. Corp., owner of Westwood Acres Subdivision No. 2.
Res. 1978-143	12-7-78	Approving the master plan and Phase I of the preliminary development plans of the Westlake Health Campus Assoc.
1978-120	1-18-79	Tentatively accepting plat, for recording purposes, of Samuel Perrone, owner of Rockport Subdivision No. 2-A.
1978-137	3-15-79	Accepting plat of Robert Ream, owner of Point West Subdivision No. 2, for recording purposes only.
1979-33	2-22-79	Accepting for dedication an unnamed "proposed drive" being 40 feet wide at the westerly end of the Hilliard Square Investment Co.'s Westlake Subdivision No. 1.
1979-43	3-1-79	Amends Ord. 1978-80.
1979-47	5-3-79	Tentatively accepting plat of Jack Colton, owner of Savannah Subdivision, Phase II, for record purposes.
Res. 1979-4	6-21-79	Approving the preliminary plan of Rosewood Estates, a major subdivision in the City.
1979-80	7-3-80	Accepting for dedication Hidden Acres Dr. from Westwood Rd. to Columbia Rd., Glen Valley Dr. from Hidden Acres Dr., NW and Park Pl. in Hidden Acres Subdivision.
1979-88	7-30-79	Tentatively accepting plat of Alex Kanareff, owner of Rustic Woods Subdivision for record purposes.
Res. 1979-126	9-6-79	Approving preliminary plan of Stonehedge Subdivision No. 1.
1979-147	9-20-79	Accepting for dedication Westown Blvd.
1979-149	9-20-79	Accepting for dedication Margareta and Birchdale Drs. in Canterbury-Westlake Subdivision.

TABLE D - DEDICATION AND PLAT APPROVAL (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 1979-153	11-1-79	Approving preliminary plan of Pineview Subdivision No. 2.
1979-164	11-1-79	Amends Ord. 1978-137.
1979-165	11-1-79	Amends Ord. 1978-112.
1979-178	2-7-80	Amends Ord. 1978-137.
1979-179	12-6-79	Accepting revised plat of Samuel M. Perrone, owner of proposed Rockport Development Corp. Subdivision No. 1, for record purposes.
1979-203	3-20-80	Tentatively accepting plat of Larry Gertsma, owner of Rosewood Estates Subdivision, for record purposes.
Res. 1979-204	1-17-80	Approving preliminary plan of Dover Wood Estates Subdivision, Phase IV.
Res. 1980-2	2-7-80	Approving preliminary plan of Dellwood Subdivision.
1980-23	4-3-80	Accepting for dedication Circlewood, Wildwood and Brantwood Drs. in Westwood Acres Subdivision No. 2.
1980-35	11-20-80	Tentatively accepting plat of John McCrone, owner of Dellwood Subdivision for record purposes.
1980-76	9-4-80	Authorizes dedication of land for widening Center Ridge Rd. at intersection with Bassett-Stearns Rd.
1980-158	10-20-80	Tentatively accepting plat of Gibson Partners, owners of Stonehedge Subdivision, for record purposes.
Res. 1980-164	11-6-80	Approving preliminary plan of Pebblebrook Estates Subdivision.
Res. 1980-165	11-6-80	Approving preliminary plan of Cape Cod Subdivision.
1980-178	1-15-81	Tentatively accepting plat of John Stradtman, owner of Pineview Subdivision No. 2 for record purposes.
Res. 1980-198	1-6-81	Approving preliminary plan of Rockport Subdivision No. 3.
1981-11	3-5-81	Accepts for dedication: Holden's Arbor Run, Farr's Garden Path, Sperry's Forge Trail, Settler's Reserve Way and Coe's Post Run within the Rockport Subdivision No. 2.
1981-12	3-5-81	Accepts for dedication Sperry's Forge Trail, within the Rockport Subdivision No. 2A.
1981-10	3-19-81	Tentatively accepts plat of Rockport Development Corp., owner of Rockport Subdivision No. 3, Phase 1, for record purposes.
1981-44	6-4-81	Amends Ord. 1978-78.
1981-160	12-17-81	Tentatively accepts plat of Gibson Partners, owners of Stonehedge Subdivision, for record purposes.
1981-163	6-2-83	Tentatively accepts plat of Flair Builders, owners of Fox Chase Subdivision, Phase 1 and 2, for record purposes.
Res. 1981-164	1-7-82	Approving the preliminary plan of a subdivision owned by Donald and Rosemarie Dettore.
1981-169	7-7-83	Tentatively accepts plat of Richard Needles, owner of Dover Wood Estates Subdivision, Phase 4, for record purposes.

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

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
1997-137	6-5-97	Authorizes purchase from Bd. of Education of 2 buildings at 1073 and 1097 Bassett Rd. by Police and Fire Departments.
1997-191	9-18-97	Appropriates 23696 Center Ridge Rd. (Permanent Parcel 214-26-060) for road intersection expansion of Clague and Center Ridge Rds.
1997-193	9-18-97	Appropriates 23709 Center Ridge Rd. (Permanent Parcel 214-09-011) for road intersection expansion of Clague and Center Ridge Rds.
1997-194	10-2-97	Accepts warranty deed from R. and S. Juergemeier for part of Permanent Parcel 211-26-027.
1997-220	11-6-97	Appropriates 23655 Detroit Rd. (portion of Permanent Parcel 214-06-005) for road intersection expansion of Clague and Detroit Rds.
1997-231	11-20-97	Appropriates 23655 Detroit Rd. (portion of Permanent Parcel 214-06-005) for road intersection expansion of Clague and Detroit Rds.
1997-249	12-18-97	Appropriates portion of Permanent Parcel 214-28-010 for road intersection expansion of Clague and Center Ridge Rds.
1997-250	12-18-97	Appropriates portion of Permanent Parcel 214-28-011 for road intersection expansion of Clague and Center Ridge Rds.
1998-63	3-5-98	Accepts general warranty deed from Shore West Construction Co. for retention basin for Parkland Subdivision No. 1.
1998-85	3-19-98	Authorizes purchase agreement with W.P. Geiger to acquire Permanent Parcel 216-27-011.
1998-100	4-2-98	Accepts general warranty deed from Westshore Associates for land strip in Parkland Subdivision No. 2.
1998-147	5-7-98	Authorizes purchase of land from First Energy Corp. for placement of Bradley Pump Station.
1998-302	2-4-99	Authorizes agreement with Bd. of Education to purchase City Hall property to house administrative offices of District.
1999-21	1-21-99	Accepts general warranty deed from Kopf/Kleist Development Limited Partnership for 1-ft. land strip in Estates Subdivision No. 7.
1999-25	2-4-99	Accepts warranty deed from West Ridge Homeowners' Assn. for Block D, West Ridge Subdivision.
1999-29	1-21-99	Appropriates property at 1070 Bradley Rd. (portion of Permanent Parcel 211-04-003) for making/repairing roads.
1999-86	4-1-99	Authorizes sale of portion of Permanent Parcel 213-21-031.
1999-169	9-2-99	Accepts general warranty deed from Bennett Contractors, Inc. for 1-ft. strip of land in Country Club Estates Subdivision No. 3.
1999-219	11-4-99	Authorizes purchase agreement with M. Zarlenga, Guardian, for Permanent Parcel 217-13-006.
2000-19	3-16-00	Accepts general warranty deed from D.J. and A.R. Ladanyi, donating Western Historical House (27946 Center Ridge Rd.
2000-56	4-6-00	Authorizes purchase agreement with M.A. Lang to acquire Permanent Parcel No. 212-01-007.
2000-61	4-6-00	Amends Ord. 1997-191, Secs. 2 and 5 re the appropriation of property for municipal roadway purposes.

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

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2001-44	3-15-01	Accepts quitclaim deed from K.J. Residential, Ltd., for 1 ft. strip of land in Glens Subdivision No. 1.
2001-55	4-5-01	Accepts general warranty deed from Shore West Construction Co. for Block Z in Sherwood Drive Subdivision.
2001-181	11-1-01	Accepts warranty deed from Bennett Quality Homes, Inc. and Talp Inc. for Country Club Estates Subdivision 3 and 4.
2002-29	3-7-02	Authorizing the Mayor to execute an amended purchase agreement with the Board of Education of the Westlake City School District to sell Permanent Parcel No. 212-24-009.
2002-91	7-2-02	Appropriating fee simple interest, channel, sewer and right-of-way easements on part of Permanent Parcel No. 217-26-010 for the extension of Crocker Road.
2002-127	10-3-02	Authorizes agreement of purchase and sale between City and Cooley Family Limited Partnership and D. McCroby for part of Permanent Parcel No. 217-28-005 acquired as r-o-w for extension of Crocker Rd. to N. Olmsted border.
2002-128	10-3-02	Authorizes agreement of purchase and sale with Motor Discount Corp. for part of Permanent Parcel No. 217-26-002 acquired as r-o-w for extension of Crocker Rd. to N. Olmsted border.
2002-145	10-3-02	Authorizes agreements of purchase/sale with various owners for various portions of real estate for r-o-w for extension of Crocker Rd. to N. Olmsted border.
2002-169	11-7-02	Accepts quitclaim deed from K. J. Residential, Ltd. for land strip on Kilgour Dr. in the Glens Subdivision No. 3.
2002-170	11-7-02	Accepts quitclaim deed from K.J. Residential, Ltd. for land strip on Durham Drive, Glens Subdivision No. 3.
2003-7	1-16-03	Authorizes agreement of purchase and sale with Phoenix Rental for part of Permanent Parcel No. 217-26-003.
2003-230	12-4-03	Accepts deed from Cleveland Electric Illuminating Co. for Permanent Parcel 212-04-003 for sidewalk purposes.
2005-97	7-21-05	Accepts quitclaim deed from Bennett Quality Homes for 1-ft. strip of land on Riviera Lane, Country Club Estates Subdivision No. 5.
2005-109	7-21-05	Authorizes offer to purchase Permanent Parcel Nos. 217-09-013 and 217-09-009 on Bradley Rd. from Bd. of Education for recreational purposes.
2006-125	9-7-06	Authorizing purchase, settlement and easement agreements for property known as part of Permanent Parcel No. 212-01-008.
2008-153	11-6-08	Accepts a quit claim deed for Balzarini Real Estate Holdings LLC for a one foot strip of land from Permanent Parcel No. 211-03-003 in the Beacon Development.
2009-29	3-5-09	Authorizing the Mayor to enter into a purchase agreement with KMART Corporation for the purchase of real estate.
2009-106	9-17-09	Ratifying a purchase agreement between the City and Gary and Leslie Lapohn for the purchase of real estate, at 787 Bassett Road.
2010-135	9-2-10	Appropriating fee simple title and a temporary work easement on part of Permanent Parcel No. 213-10-004 pursuant to Ohio R.C. Chapter 163 providing for the expedited acquisition of property for the municipal purpose of making or repairing roads.

303.081 IMPOUNDING VEHICLES ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY.

- (a) (1) The Chief of Police upon complaint of any person adversely affected may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The Chief of Police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this section, the Chief of Police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.
- (2) A towing service towing a motor vehicle under subsection (a)(1) of this section shall remove the motor vehicle in accordance with that subsection. The towing service shall deliver the motor vehicle to the location designated by the Chief of Police not more than two hours after the time it is removed from the private property.
- (3) Subject to subsection (b) of this section, the owner of a motor vehicle that has been removed pursuant to this subsection may recover the vehicle only in accordance with subsection (d) of this section.
- (4) As used in this section "private residential property" means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to subsection (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle under subsection (d)(1) of this section in order to obtain release of the motor vehicle. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

- (c) (1) The Chief of Police shall maintain a record of motor vehicles that the Chief orders into storage pursuant to subsection (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model and color, the location from which it was removed, the date and time of the removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The Chief of Police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.
- (2) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a motor vehicle under subsection (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.
- (d) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section may reclaim it upon both of the following:
- A. Payment of the following fees:
1. Not more than ninety dollars (\$90.00) for the removal of the motor vehicle. However, if the motor vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds, and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer, not more than one hundred fifty dollars (\$150.00) for the removal.
 2. Not more than twelve dollars (\$12.00) per twenty-four hour period for the storage of the motor vehicle. However, if the motor vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer, not more than twenty dollars (\$20.00) per twenty-four hour period for storage.
- B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle.
- (2) Upon presentation of proof of ownership, the owner of a motor vehicle that is ordered into storage under subsection (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, the owner may not retrieve any personal item that has been determined by the Chief of Police, as applicable, to be necessary to a criminal investigation. For purposes of subsection (d)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.
- (3) If a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 apply.

- (e) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with subsection (a)(1) of this section or Ohio R.C. 4513.61 to 4513.65.
- (2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with Section 303.082.

(g) The owner of any towing service or storage facility that violates subsection (e) of this section is guilty of a minor misdemeanor.
(ORC 4513.60)

303.082 PRIVATE TOW-AWAY ZONES.

(a) The owner of private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

- (1) The owner posts on the owner's property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:
 - A. A statement that the property is a tow-away zone;
 - B. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner shall include on the sign the address of the property on which the private tow-away zone is located, or the name of the business that is located on the property designated as a private tow-away zone.
 - C. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
 - D. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
 - E. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of Ohio R.C. 4505.101.

Any owner of property that has been established as a private tow-away zone under Ohio R.C. 4513.60 or Section 303.081 et seq. of this Traffic Code as that section existed prior to the effective date of this section who does not have a contract with a towing service for the removal of vehicles from the property may retain existing private tow-away zone signs that comply with that section for up to six months after the effective date of this section. At any time, in order to comply with the requirements of subsection (b)(1) of this section, such a property owner may modify the existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:
- A. It is located within twenty linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty linear miles.
 - B. It is well-lighted.
 - C. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.
- (b) (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established under subsection (g) of this section, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.
- (2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.
- (c) If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established under subsection (g) of this section, in order to obtain release of the vehicle. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.
- (d) (1) Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section.

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

- (2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone.
- (e)
 - (1) If an owner of private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:
 - A. The vehicle's license number, make, model and color;
 - B. The location from which the vehicle was removed;
 - C. The date and time the vehicle was removed;
 - D. The telephone number of the person from whom the vehicle may be recovered;
 - E. The address of the place from which the vehicle may be recovered.
 - (2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.
- (f)
 - (1) When a vehicle is removed from private property in accordance with this section, the owner of the towing service or storage facility from which the vehicle may be recovered shall immediately cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. Subject to subsection (f)(4) of this section, the owner of the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
 - A. Within five business days of removal of the vehicle from the private tow-away zone, if the vehicle has not yet been recovered, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;
 - B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner authorized in subsection (f)(1)A. of this section;
 - C. If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner authorized in subsection (f)(1)A. of this section.
 - (2) Sixty days after any notice sent pursuant to subsection (f)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the owner of a towing service or storage facility, if authorized under subsection (B) of Ohio R.C. 4505.101, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

- (3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of Ohio R.C. 4505.101.
 - (4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(1)A. of this section.
- (g)
- (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon all of the following:
 - A. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle;
 - B. Payment of the following fees:
 - 1. Not more than ninety dollars (\$90.00) for the removal of the vehicle. However, if the vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer, not more than one hundred fifty dollars (\$150.00) for the removal.
 - 2. Not more than twelve dollars (\$12.00) per twenty-four-hour period for the storage of the vehicle. However, if the vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, not more than twenty dollars (\$20.00) per twenty-four-hour period for storage.
 - 3. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).
 - (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide copies of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.
 - (3) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. For purposes of subsection (g)(3) of this section, "personal items" do not include any items that are attached to the vehicle.
- (h) No towing service or storage facility shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(i) This section does not affect or limit the operation of Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.

(j) The owner of any towing service or storage facility or property owner that violates subsection (h) of this section is guilty of a minor misdemeanor. (ORC 4513.601)

303.083 RELEASE OF VEHICLE; RECORDS; CHARGES.

(EDITOR'S NOTE: The provisions of former Section 303.083 as amended are now codified in Section 303.081.)

303.09 REPORTING REPOSSESSION OF MOTOR VEHICLES.

No person engaged in the business of making loans, purchasing notes secured by mortgages, conditional sales agreements or any other liens upon motor vehicles or engaged in any business involving the repossession of motor vehicles shall fail to notify the Police Department of any repossession of a motor vehicle and to give such additional information as may be required, within one hour after possession, when the vehicle is taken without the owner's consent or knowledge. (1972 Code 404.08)

303.10 REPORTING UNCLAIMED MOTOR VEHICLES.

No person engaged in the business of operating a garage, parking space or lot or renting space for the parking or storing of four or more vehicles, or engaged in the business of repairing motor vehicles, parts and accessories, shall fail to report to the Police Department when any motor vehicle has remained in his possession and is unclaimed for more than fifteen days, except where parked or placed in storage by order of the Police Department. Nothing herein shall apply where arrangements have been made for continuous storage or parking and the owner of the parked or stored motor vehicle is personally known to the owner or operator of the garage, parking lot or space, so that the name and address of such owner can be furnished upon the request of any member of the Police Department. (1972 Code 404.09)

303.11 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint. (ORC 4513.361)

303.99 GENERAL TRAFFIC CODE PENALTIES.

(a) Misdemeanor Classifications.

- (1) General classification. Whoever violates any provision of this Traffic Code, for which violation no penalty is otherwise provided, is guilty of a misdemeanor of the fourth degree on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the second degree.
- (2) Compliance with order of police officer; fleeing. Whoever violates Section 303.01 is guilty of failure to comply with an order or signal of a police officer. A violation of Section 303.01(a) is a misdemeanor of the first degree. A violation of Section 303.01(b) is a misdemeanor of the first degree, unless the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

- A. In committing the offense, the offender was fleeing immediately after the commission of a felony;
 - B. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;
 - C. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.
(ORC 2921.331)
- (3) Providing false information. Whoever violates Section 303.11 is guilty of a misdemeanor of the first degree.
(ORC 4513.99)

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	180 days	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	150.00

(ORC 2929.21)

(c) Construction Zone Violations. Notwithstanding subsection (b) hereof, upon a finding that any person referred to in subsection (a)(1) hereof or Section 333.99(a) has operated a motor vehicle in violation of this Traffic Code, in a construction zone where a sign was then lawfully posted, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender who alleges, in an affidavit filed with the court prior to his sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection, provided the court determines the offender is an indigent person and is unable to pay the fine.

TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
- Chap. 333. DUI; 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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| <ul style="list-style-type: none"> 331.01 Driving upon right side of roadway; exceptions. 331.02 Passing to right when proceeding in opposite directions. 331.03 Overtaking, passing to left; driver's duties. 331.04 Overtaking and passing upon right. 331.05 Overtaking, passing to left of center. 331.06 Additional restrictions on driving upon left side of roadway. 331.07 Hazardous or no passing zones. 337.071 Center turning lane. 331.08 Driving in marked lanes or continuous lines of traffic. 331.09 Following too closely. 331.10 Turning at intersections. 331.11 Turning into private driveway, alley or building. 331.12 "U" turns restricted. 331.13 Starting and backing vehicles. 331.14 Signals before changing course, turning or stopping. 331.15 Hand and arm signals. 331.16 Right of way at intersections. 331.17 Right of way when turning left. 331.18 Operation of vehicle at yield signs. 331.19 Operation of vehicle at stop signs. 331.20 Emergency or public safety vehicles at stop signals or signs. 331.21 Right of way of public safety or coroner's vehicle. | <ul style="list-style-type: none"> 331.22 Driving onto roadway from place other than roadway: duty to yield. 331.23 Driving onto roadway from place other than roadway: stopping at sidewalk. 331.24 Right of way of funeral procession. 331.25 Driver's view and control to be unobstructed by load or persons. 331.26 Driving upon street posted as closed for repair. 331.27 Following and parking near emergency or safety vehicles. 331.28 Driving over fire hose. 331.29 Driving through safety zone. 331.30 One-way streets and rotary traffic islands. 331.31 Driving upon divided roadways. 331.32 Entering and exiting controlled-access highway. 331.33 Obstructing intersection, crosswalk or grade crossing. 331.34 Failure to control; weaving; full time and attention. 331.35 Occupying a moving trailer or manufactured or mobile home. 331.36 Squealing tires, "peeling", cracking exhaust noises. 331.37 Driving upon sidewalks, street lawns or curbs. |
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| <p>331.38 Stopping for school bus; discharging children.</p> <p>331.39 Shortcutting; avoiding traffic control devices.</p> <p>331.40 Littering from motor vehicle.</p> | <p>331.41 Wearing earplugs or earphones prohibited.</p> <p>331.42 Vehicular operation on street closed due to rise in water level.</p> <p>331.99 Penalty.</p> |
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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.

- (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 State Board of Education, 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. 4511.771, 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. (ORC 4511.75)

331.39 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

(a) No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b) No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c) It shall be prima-facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

331.40 LITTERING FROM MOTOR VEHICLE.

(a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b) No operator of a motor vehicle in operation upon any street, road or highway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature. (ORC 4511.82)

331.41 WEARING EARPLUGS OR EARPHONES PROHIBITED.

(a) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player or other similar device that provides the listener with radio programs, music or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.

- (b) This section does not apply to:
- (1) Any person wearing a hearing aid;
 - (2) Law enforcement personnel while on duty;
 - (3) Fire personnel and emergency medical service personnel while on duty;
 - (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any street or highway; or
 - (5) Any person engaged in the operation of refuse collection equipment.
(ORC 4511.84)

**331.42 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.)

331.99 PENALTY.

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

- (a) Failure to Yield Right of Way to Public Safety or Coroner's Vehicle. Whoever violates Section 331.21 is guilty of a misdemeanor of the fourth degree on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree; and on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree.
- (b) Failure to Stop for School Bus. Whoever violates Section 331.38(a) may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of Section 331.38(a) is not permitted to enter a written plea of guilty and waive his right to contest the citation in a trial, but instead must appear in person in the proper court to answer the charge. (ORC 4511.99)

- (3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.
(ORC 4510.161)
- (h) As used in this section:
- (1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
- (2) "Equivalent offense" means any of the following:
- A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;
- B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.
- (3) "Jail" has the same meaning as in Ohio R.C. 2929.01.
- (4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:
- A. Except as specifically authorized under this section, the term must be served in a jail.
- B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
(ORC 4510.14)

**335.072 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW
SUSPENSION OR CANCELLATION; DRIVING UNDER A
NONPAYMENT OF JUDGMENT SUSPENSION.**

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of subsection (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d) Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (d) hereof. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (d) hereof.

- (1) Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.
- (3) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.16)

(e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Whoever violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

**335.073 DRIVING WITHOUT COMPLYING WITH LICENSE
REINSTATEMENT REQUIREMENTS.**

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
- (3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

**335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT
SUSPENSION.**

(a) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section. The person charged with a violation of subsection (a) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

- (1) Except as otherwise provided in subsection (c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.111)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

- (a) No person shall do any of the following:
- (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
 - (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
 - (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;

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

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

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

(i) The period of limitation for a violation of any provision of this General Offenses Code that involves a physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of a child under eighteen years of age or of a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age shall not begin to run until either of the following occurs:

- (1) The victim of the offense reaches the age of majority.
- (2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred. (ORC 2901.13)

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

501.07 REQUIREMENTS FOR CRIMINAL LIABILITY.

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

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

(b) When the language defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in the section, then culpability is not required for a person to be guilty of the offense. The fact that one subsection of a section plainly indicates a purpose to impose strict liability for an offense defined in that subsection does not by itself plainly indicate a purpose to impose strict criminal liability for an offense defined in other subsections of the section that do not specify a degree of culpability.

- (c)
 - (1) When language defining an element of an offense that is related to knowledge or intent or to which mens rea could fairly be applied neither specifies culpability nor plainly indicates a purpose to impose strict liability, the element of the offense is established only if a person acts recklessly.
 - (2) Subsection (c)(1) of this section does not apply to offenses defined in the Traffic Code.
 - (3) Subsection (c)(1) of this section does not relieve the prosecution of the burden of proving the culpable mental state required by any definition incorporated into the offense.

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

(e) As used in this section:

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

501.08 CULPABLE MENTAL STATES.

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

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

When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.

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

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

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

501.09 ATTEMPT.

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

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

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

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

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

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

501.10 COMPLICITY.

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

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

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

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

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

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

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

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

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

501.11 ORGANIZATIONAL CRIMINAL LIABILITY.

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

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

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

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

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

501.12 PERSONAL ACCOUNTABILITY FOR ORGANIZATIONAL CONDUCT.

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

- (1) In the name of the organization or in its behalf, he engages in conduct constituting the offense, or causes another to engage in such conduct, or tolerates such conduct when it is of a type for which he has direct responsibility;
- (2) He has primary responsibility to discharge a duty imposed on the organization by law, and such duty is not discharged.

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

501.13 CONSPIRACY.

(a) No person, with purpose to commit or to promote or facilitate the commission of aggravated murder, murder, kidnapping, abduction, compelling prostitution, promoting prostitution, trafficking in persons, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, engaging in a pattern of corrupt activity, corrupting another with drugs, a felony drug trafficking, manufacturing, processing or possession offense, theft of drugs, or illegal processing of drug documents, the commission of a felony offense of unauthorized use of a vehicle, illegally transmitting multiple commercial electronic mail messages or unauthorized access of a computer in violation of Ohio R.C. 2923.421 or the commission of a violation of any provision of Ohio R.C. Chapter 3734, other than Ohio R.C. 3734.18, that relates to hazardous wastes, shall do either of the following:

- (1) With another person or persons, plan or aid in planning the commission of any of the specified offenses;
- (2) Agree with another person or persons that one or more of them will engage in conduct that facilitates the commission of any of the specified offenses.

(b) No person shall be convicted of conspiracy unless a substantial overt act in furtherance of the conspiracy is alleged and proved to have been done by the accused or a person with whom the accused conspired, subsequent to the accused's entrance into the conspiracy. For purposes of this section, an overt act is substantial when it is of a character that manifests a purpose on the part of the actor that the object of the conspiracy should be completed.

(c) When the offender knows or has reasonable cause to believe that a person with whom the offender conspires also has conspired or is conspiring with another to commit the same offense, the offender is guilty of conspiring with that other person, even though the other person's identity may be unknown to the offender.

(d) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the conspiracy was impossible under the circumstances.

(e) A conspiracy terminates when the offense or offenses that are its objects are committed or when it is abandoned by all conspirators. In the absence of abandonment, it is no defense to a charge under this section that no offense that was the object of the conspiracy was committed.

(f) A person who conspires to commit more than one offense is guilty of only one conspiracy, when the offenses are the object of the same agreement or continuous conspiratorial relationship.

(g) When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission of or attempt to commit the specific offense, the person shall not be convicted of conspiracy involving the same offense.

- (h) (1) No person shall be convicted of conspiracy upon the testimony of a person with whom the defendant conspired, unsupported by other evidence.
- (2) If a person with whom the defendant allegedly has conspired testifies against the defendant in a case in which the defendant is charged with conspiracy and if the testimony is supported by other evidence, the court, when it charges the jury, shall state substantially the following:

“The testimony of an accomplice that is supported by other evidence does not become inadmissible because of the accomplice’s complicity, moral turpitude, or self-interest, but the admitted or claimed complicity of a witness may affect the witness’ credibility and make the witness’ testimony subject to grave suspicion, and requires that it be weighed with great caution.

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

- (3) “Conspiracy”, as used in subsection (h)(1) of this section, does not include any conspiracy that results in an attempt to commit an offense or in the commission of an offense.
- (i) The following are affirmative defenses to a charge of conspiracy:
- (1) After conspiring to commit an offense, the actor thwarted the success of the conspiracy under circumstances manifesting a complete and voluntary renunciation of the actor’s criminal purpose.
- (2) After conspiring to commit an offense, the actor abandoned the conspiracy prior to the commission of or attempt to commit any offense that was the object of the conspiracy, either by advising all other conspirators of the actor’s abandonment, or by informing any law enforcement authority of the existence of the conspiracy and of the actor’s participation in the conspiracy.

(j) Whoever violates this section is guilty of conspiracy, which is a misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fifth degree.

(k) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of this Code, other than this section. In such a case, however:

- (1) With respect to the offense specified as the object of the conspiracy in the other section or sections, subsection (a) hereof defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy;
- (2) Subsections (b) to (i) hereof are incorporated by reference in the conspiracy offense defined by the other section or sections of this Code.

- (l) (1) In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B)(2) and (3) of Ohio R.C. 2923.32, division (A) of Ohio R.C. 2981.04 and division (D) of Ohio R.C. 2981.06.
- (2) If a person is convicted of or pleads guilty to conspiracy and if the most serious offense that is the object of the conspiracy is a felony drug trafficking, manufacturing, processing or possession offense, in addition to the penalties or sanctions that may be imposed for the conspiracy under subsection (j) hereof and Ohio R.C. Chapter 2929, both of the following apply:
- A. The provisions of divisions (D), (F) and (G) of Ohio R.C. 2925.03, division (D) of Ohio R.C. 2925.04, division (D) of Ohio R.C. 2925.05, division (D) of Ohio R.C. 2925.06 and division (E) of Ohio R.C. 2925.11 that pertain to mandatory and additional fines, driver's or commercial driver's license or permit suspensions, and professionally licensed persons and that would apply under the appropriate provisions of those divisions to a person who is convicted of or pleads guilty to the felony drug trafficking, manufacturing, processing, or possession offense that is the most serious offense that is the basis of the conspiracy shall apply to the person who is convicted of or pleads guilty to the conspiracy as if the person had been convicted or pleaded guilty to the felony drug trafficking, manufacturing, processing or possession offense that is the most serious offense that is the basis of the conspiracy.
- B. The court that imposes sentence upon the person who is convicted of or pleads guilty to the conspiracy shall comply with the provisions identified as being applicable under subsection (l)(2) of this section, in addition to any other penalty or sanction that it imposes for the conspiracy under subsection (j) of this section and Ohio R.C. Chapter 2929.
- (m) As used in this section:
- (1) "Felony drug trafficking, manufacturing, processing or possession offense" means any of the following that is a felony:
- A. A violation of Ohio R.C. 2925.03, 2925.04, 2925.05, or 2925.06;
- B. A violation of Ohio R.C. 2925.11 that is not a minor drug possession offense.
- (2) "Minor drug possession offense" has the same meaning as in Ohio R.C. 2925.01. (ORC 2923.01)

501.99 PENALTIES FOR MISDEMEANORS.

(a) **Financial Sanctions.** In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

- (1) **Restitution.** Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant

to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

- (2) Fines. A fine in the following amount:
- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
 - B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
 - C. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
 - D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
 - E. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).
- (3) Reimbursement of costs of sanctions.
- A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:
 - 1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
 - 2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

CHAPTER 549
Weapons and Explosives

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| <p>549.01 Definitions.</p> <p>549.02 Carrying concealed weapons.</p> <p>549.03 Using weapons while intoxicated.</p> <p>549.04 Improperly handling firearms in a motor vehicle.</p> <p>549.05 Failure to secure dangerous ordnance.</p> <p>549.06 Unlawful transactions in weapons.</p> | <p>549.07 Underage purchase of firearm.</p> <p>549.08 Discharging firearms.</p> <p>549.09 Throwing or shooting missiles.</p> <p>549.10 Exhibiting weapons for sale.</p> <p>549.11 Carrying various weapons.</p> <p>549.12 Possessing replica firearm in school.</p> <p>549.13 Defacing identification marks of a firearm; possessing a defaced firearm.</p> <p>549.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 License or permit to possess dangerous ordnance - see
 Ohio R.C. 2923.18
 Hunting prohibited - see GEN. OFF. 505.11
 Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)
 Property destruction by tear gas device, etc. - see GEN.
 OFF. 541.04

549.01 DEFINITIONS.

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.
- (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (c) "Handgun" means any of the following:
 - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
 - (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.

- (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.
- (g) "Zip-gun" means any of the following:
 - (1) Any firearm of crude and extemporized manufacture;
 - (2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;
 - (3) Any industrial tool, signalling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
 - (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
 - (2) Any explosive device or incendiary device;
 - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
 - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - (5) Any firearm muffler or suppressor;
 - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.
- (l) "Dangerous ordnance" does not include any of the following:
 - (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
 - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;

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

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

549.02 CARRYING CONCEALED WEAPONS.

- (a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:
 - (1) A deadly weapon other than a handgun;
 - (2) A handgun other than a dangerous ordnance;
 - (3) A dangerous ordnance.
- (b) No person who has been issued a concealed handgun license, shall do any of the following:
 - (1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;
 - (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
 - (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

1211.03 SCHEDULE OF PERMITTED BUILDINGS AND USES. (Cont.)

District R-MF-24	<u>Main Buildings and Uses</u> (a) Main uses permitted in R-MF-40 District (b) Golf course (c) Public or quasi public nonprofit recreational or community center	<u>Conditional Buildings and Uses</u> (a) Conditional uses permitted in R-MF-40 District and: (b) Nursing home Assisted living (c) Limited commercial use of historical buildings and sites. (For conditions see Section 1211.28)	<u>Accessory Buildings and Uses</u> (a) Accessory uses permitted in R-MF-40 District (b) Recreational facilities for the exclusive use of residents in the development
R-MF-15	(a) Main uses permitted in R-MF-24 District	(a) Conditional uses permitted in R-MF-24 District	(a) Accessory uses permitted in R-MF-24 District
R-1F Cluster	(a) Main uses permitted in R-1F-80 District (b) Single-Family detached cluster homes (Ord. 1988-246. Passed 4-20-89; Ord. 1989-40. Passed 5-4-89; Ord. 1990-38. Passed 4-19-90; Ord. 1996-157. Passed 11-21-96; Ord. 1997-76. Passed 5-15-97; Ord. 1997-115. Passed 6-19-97; Ord. 1997-139. Passed 9-4-97; Ord. 1997-239. Passed 4-2-98; Ord. 1999-5. Passed 4-1-99; Ord. 1999-172. Passed 12-2-99; Ord. 1999-182. Passed 7-20-00; Ord. 2014-162. Passed 2-5-15.)	(a) Conditional uses permitted in R-1F-80 District	(a) Accessory uses permitted in R-1F-80 District

1211.04 ACCESSORY USES.

Accessory uses in all residential districts shall be permitted as provided in this section and in Sections 1211.20 and 1211.21.

(a) Private Garage or Parking Spaces for Automobiles and Other Motor Vehicles.

- (1) Open off-street parking areas with one private or storage garage per dwelling are permitted in residential districts if accessory to a dwelling or an approved main or conditional use set forth in Section 1211.03, and are required for all uses in accordance with the standards set forth in Chapter 1221. (Ord. 1991-194. Passed 1-16-92.)
- (2) On lots of single family and two-family uses, private garages may be attached or detached, but not both, and shall be limited to one garage area in accordance with the following:

<u>Lot Size (Square Feet)</u>	<u>Maximum Garage Space (Square Feet)</u>
20,000 or less	800
More than 20,000 but less than 40,000	1,000
40,000 or more	1,200

No garage shall exceed 1,200 square feet.

No more than a total of thirty lineal feet of garage door opening space shall be allowed to face the street or streets abutting the property.

A detached private garage on a lot of 75 feet in width or less shall be located in the rear yard in such a manner as to provide a minimum five-foot side yard line setback and a minimum five-foot rear line setback, except on the street side of a corner lot which shall provide a thirty-foot side yard setback. Otherwise, a detached private garage shall be located in the rear yard in such a manner as to provide a minimum ten-foot side yard line setback and a minimum ten foot rear line setback except on the street side of a corner lot which shall provide a thirty-foot side yard setback. A detached private garage shall not exceed fifteen feet in height from the average grade line to the peak of the gable.

(Ord. 2008-61. Passed 2-19-09.)

- (3) No person shall rebuild, overhaul or dismantle an automobile or store motor or body parts in an open yard.
- (4) Only one truck not exceeding three-fourths ton capacity may be stored on a lot in any residential district, provided such truck is stored in a garage and is used solely by the occupant of the dwelling.
- (5) Driveways to a garage or accessory parking area are permitted in a required yard.
- (6) No person shall park a motor vehicle on any driveway leading to parking areas, except on one-family and two-family dwelling uses, in any residential district.
- (7) The parking of motor vehicles on any lot shall be permitted only on the paved or improved parking areas designated and permitted as parking areas under this Zoning Code, except as provided in Section 1211.30.
- (8) Parking areas on lots in any residential district, other than on lots of single-family or two-family uses, shall be located a minimum of fifty feet from any single-family or two-family dwelling.
(Ord. 1991-194. Passed 1-16-92.)

**CHAPTER 1313
Permits and Inspections**

<p>1313.01 Permits required; application and issuance.</p> <p>1313.02 Permit time limitations; misrepresentation and errors in issuance.</p> <p>1313.03 Exceptions for minor repairs.</p> <p>1313.04 Time delay between application and issuance. (Repealed)</p> <p>1313.05 Posting permit application sign. (Repealed)</p> <p>1313.06 Evidence of ownership required. (Repealed)</p>	<p>1313.07 Temporary structures.</p> <p>1313.08 Plan approval; posting and file copies.</p> <p>1313.09 Alteration or erasure of plans; work deviation.</p> <p>1313.10 Work completion; return of plans.</p> <p>1313.11 Bond required.</p> <p>1313.99 Penalty.</p>
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CROSS REFERENCES

Gas and oil well permits - see BUS. REG. 713.01 et seq.
 Street excavation permits - see S.U. & P.S. 901.02 et seq.
 Sidewalk permits - see S.U. & P.S. 905.01 et seq.
 Sewer connection permit - see S.U. & P.S. 915.04 et seq.
 Building permits to conform to required areas for public use -
 see PLAN. & PLAT. 1105.03
 Permit issuance for shopping center development plans - see
 PLAN. & PLAT. 1109.05
 Building permit issuance in subdivisions - see PLAN. & PLAT.
 1129.18
 Conditional use permits - see ZON. 1227.01 et seq.
 Building permits and zoning - see ZON. 1231.03 et seq.
 Building permit fees - see BLDG. Ch. 1315
 Drainage plans required for permit - see BLDG. 1363.01 et seq.
 Swimming pool permit - see BLDG. 1365.01 et seq.
 Access driveways required for permit - see BLDG. 1369.01

1313.01 PERMITS REQUIRED; APPLICATION AND ISSUANCE.

(a) Before commencing or proceeding with the erection, construction, alteration or repair of any building or structure or any part thereof, a building permit shall first be obtained by the owner or his agent or architect, from the Director of Inspections. No person shall commence or proceed with any such work unless such permit shall first have been obtained. (Ord. 1961-54. Passed 7-10-61.)

(b) Application for such permit shall be made by the owner or his agent or architect in the manner specified in Section 1231.04 of the Zoning Code.
(Adopting Ordinance)

(c) An issued permit shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this Building Code or other applicable laws, ordinances, rules and regulations. Such issuance of a permit shall not prevent the administrative office having jurisdiction from thereafter requiring a correction of errors in plans or construction, nor shall it prevent him having jurisdiction over violations of this Building Code or of other applicable laws, ordinances, rules or regulations.
(Ord. 1961-54. Passed 7-10-61.)

1313.02 PERMIT TIME LIMITATIONS; MISREPRESENTATION AND ERRORS IN ISSUANCE.

- (a) After a permit has been issued, it shall be void if:
- (1) The work for which such permit was issued is not commenced within 180 days;
 - (2) The work is suspended for 180 days;
 - (3) For construction controlled by the OBC, see OBC Section 106.3.2.
(Ord. 2003-126. Passed 6-5-03.)

However, if, by reason of acts of God, fire, epidemics, landslides, floods, strikes, lockouts or other industrial disturbances, acts of public enemies, acts or orders of any kind of any governmental authority, insurrections, riots, civil disturbances, explosions, breakage or accident to machinery, transmission pipes or canals, partial or entire failure of utilities or any other unanticipated cause or event not reasonably within the control of the applicant for the permit, the applicant cannot commence the work for which the permit was issued or the applicant must suspend work under the permit or must redo work previously done, then the period in which such work must commence or be completed shall be extended by a period equal to the period:

- (4) When the applicant cannot commence work;
- (5) For which the applicant must suspend work; or
- (6) Is required to redo work previously done, as a result of the occurrence of one or more of the foregoing causes or events.

(b) The administrative officer having jurisdiction shall revoke a permit or approval issued under the provisions of this Building Code if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based or whenever any permit or approval has been issued in error and conditions are such that a permit or approval should not have been issued.

(c) This section shall apply to all building permits hereafter issued, whether issued pursuant to application heretofore or hereafter filed.
(Ord. 1978-146. Passed 12-21-78.)

**CHAPTER 1315
Fees for Permits and Inspections**

<p>1315.01 Fee determination and collection.</p> <p>1315.02 Building construction, addition or alteration fees.</p> <p>1315.03 Obstruction, excavation and driveway fees.</p> <p>1315.04 Heating, air conditioning and incineration fees.</p> <p>1315.05 Plumbing fees.</p> <p>1315.06 Electrical fees.</p>	<p>1315.07 Sign fees.</p> <p>1315.08 Failure to obtain permit before work.</p> <p>1315.09 Additional fee for inspections during non-regular hours.</p> <p>1315.10 Satellite transmitting/receiving dish fees.</p> <p>1315.11 Recreational court fees.</p> <p>1315.12 Fire protection systems.</p>
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CROSS REFERENCES

- Gas and oil well permit fee - see BUS. REG. 713.01
- Street excavation, curb cut permit fee - see S.U. & P.S. 901.02
- Sidewalk permit fee - see S.U. & P.S. 905.06
- Platting fees - see PLAN. & PLAT. 1133.05
- Certificate of occupancy fees - see ZON. 1231.09

1315.01 FEE DETERMINATION AND COLLECTION.

The permit or inspection fees set forth in this chapter shall be as set forth herein. For inspections for which no fee is hereafter prescribed, payment shall be made for the time actually consumed in such inspection at the rate of fifty dollars (\$50.00) per hour. It shall be computed from the time of arrival at the place where the work is to be inspected to the time of departure therefrom. Such fees shall be collected by the Director of Finance.
(Ord. 2012-8. Passed 2-2-12.)

1315.02 BUILDING CONSTRUCTION, ADDITION OR ALTERATION FEES.

- (a) All new buildings or structures or additions in residential one, two and three family dwellings:
- | | |
|--|----------|
| (1) One-family dwellings base fee | \$100.00 |
| (2) Two and three-family dwellings, per dwelling unit base fee | 75.00 |

(3)	Also, all new construction in residential one, two and three family dwellings to pay a usable floor area fee, per square foot in all stories including basement and garage areas	\$.05
(b)	Residential buildings, one, two and three family dwellings, alterations and/or repairs:	
(1)	Initial fee	25.00
(2)	Also, all affected usable floor area fee, per square foot in all stories	.02
(c)	Residential buildings, accessory detached:	
(1)	Garages and stables:	
A.	Initial fee	25.00
B.	Also, per square foot of floor area	.02
(2)	Utility building, exclusive of any utilities - initial fee	25.00
(3)	Fence	25.00
(d)	Buildings, structures, and additions as regulated by OBC:	
(1)	Base fee per permit	200.00
(2)	Also, per square foot of floor area (single tenant)	.075
(3)	Shell construction only per sq. ft. (multiple tenant)	.0375
(4)	Tenant buildout in new construction per sq. ft.	.0375
(e)	Business or industrial building, alterations, repairs, or tenant change as regulated by OBC:	
(1)	Initial fee	200.00
(2)	Also, per square foot of floor area affected	.0375
(f)	Greenhouse, private, not in excess of 260 square feet	25.00
(g)	Greenhouse in excess of 260 square feet:	
(1)	Initial fee	50.00
(2)	Also, for each square foot of floor surface or fraction thereof	.025
(3)	Quonset hut-type structure with utilities - initial fee	50.00
	Also, for each square foot of floor surface	.025