



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING AGENDA**  
 Wednesday, March 18, 2026; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Brian Kropp
Ward 2	Brian Axiotis
Ward 3	Robert Burke
Ward 4	Kevin Rufener
At- Large	Julie Stimpert
Mayor	David Hanson

CITY ADMINISTRATION	
City Manager	Jamie Vernaccini
Law Director	Jeff Limbian
Finance Director	Pamela Hileman
Clerk of Council	Michael Acomb
Police Chief	John Barco

- I. Call to Order**
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**
- IV. Changes To Tonight’s Agenda**
- V. Special Presentations by Staff Members or Invited Consultants**  
 Department Heads
- VI. Public Comments (Agenda Items Only)**
- VII. Reports**
  - a. Mayor
  - b. Council Members
  - c. Law Director
  - d. City Manager
- VIII. Approval of Previous Minutes**  
 Regular Meeting Minutes March 4, 2026

**IX. Public Hearings**  
 ORDINANCE NO.: 2026-08 Sponsors: Stimpert, Rufener  
 AN ORDINANCE APPROVING THE RECODIFICATION, EDITING, AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NEWTON FALLS, OHIO

ORDINANCE NO.: 2026-10 Sponsors: Kropp, Axiotis  
 AN ORDINANCE REPEALING CERTAIN PROVISIONS OF CHAPTER 121 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF NEWTON FALLS TO ENSURE CONSTITUTIONAL COMPLIANCE, ALIGNMENT WITH STATE LAW, AND LEGAL DEFENSIBILITY

ORDINANCE NO.: 2026-13 Sponsors: Rufener, Axiotis  
 AN ORDINANCE REPEALING ORDINANCE 95-05 AND REMOVING CHAPTER 739 OF THE NEWTON FALLS CODIFIED ORDINANCES.

**X. Unfinished Business**

ORDINANCE 2026-07

Sponsors: Axiotis, Rufener

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A POLE ATTACHMENT AGREEMENT

ORDINANCE NO.: 2026-08

Sponsors: Stimpert, Rufener

AN ORDINANCE APPROVING THE RECODIFICATION, EDITING, AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NEWTON FALLS, OHIO (Final Reading)

ORDINANCE NO.: 2026-10

Sponsors: Kropp, Axiotis

AN ORDINANCE REPEALING CERTAIN PROVISIONS OF CHAPTER 121 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF NEWTON FALLS TO ENSURE CONSTITUTIONAL COMPLIANCE, ALIGNMENT WITH STATE LAW, AND LEGAL DEFENSIBILITY

ORDINANCE NO.: 2026-13

Sponsors: Rufener, Axiotis

AN ORDINANCE REPEALING ORDINANCE 95-05 AND REMOVING CHAPTER 739 OF THE NEWTON FALLS CODIFIED ORDINANCES.

**XI. New Business**

MOTION

A Motion to discuss the search process for a new city manager, including advertising/recruitment strategy and selection process.

**XII. Public Comments**

**XIII. Closing Remarks**

- a. Mayor
- b. Council Members
- c. Law Director
- d. City Manager

**XIV. Motion to Recess into Executive Session (If Necessary)**

**XV. Adjournment**



NEWTON FALLS CITY COUNCIL  
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 Wednesday, March 4, 2026; 6:00 PM  
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 612 WEST BROAD STREET

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Ward 2	Brian Axiotis
Ward 3	Robert Burke
Ward 4	Kevin Rufener
At- Large	Julie Stimpert
Mayor	David Hanson

CITY ADMINISTRATION	
City Manager	Jamie Vernaccini
Law Director	Jeff Limbian
Finance Director	Pamela Hileman
Clerk of Council	Michael Acomb
Police Chief	John Barco

- I. **Call to Order**  
 Mayor Hanson called the meeting to order at 6:00 pm.
- II. **Pledge of Allegiance / Silent Prayer**
- III. **Roll Call**  
 Ms. Stimpert asked Mr. Acomb to call the roll.  
 Council Present: Councilperson Axiotis, Councilperson Kropp, Councilperson Stimpert, Councilperson Burke, Councilperson Rufener.  
 Council Absent: Mayor Hanson.  
 Staff Present: City Manager Vernaccini, Clerk Acomb, Finance Director Hileman.  
 Staff Absent: Law Director Limbian.
- IV. **Changes To Tonight's Agenda**  
 Mr. Kropp made a motion to add a Motion to acknowledge the resignation letter of the City Manager. Second by Mr. Axiotis.  
 No discussion.  
 Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.
- V. **Special Presentations by Staff Members or Invited Consultants**  
 The Finance Director presented an Annual Update and Monthly Update. (Enclosed)  
 Mr. Kropp asked about a budget for office supplies and an unencumbered balance. It was explained that an open PO accounts for the negative balance. If unspent, it goes back into the unencumbered fund.
- VI. **Public Comments (Agenda Items Only)**  
 None.
- VII. **Reports**  
 Mr. Kropp made a motion to excuse the Mayor from tonight's meeting. Second by Stimpert.  
 No discussion.  
 Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

- a. Council Members
  - i. Ward 1 – Mr. Kropp read from a prepared statement (enclosed).
  - ii. Ward 2 – Planning and Zoning is re-scheduled for next week. Good luck to the treasure hunters.
  - iii. Ward 3 – He spoke against the effort to reprimand him and expressed displeasure for his exercise of freedom of speech. He spoke in support of the city manager and felt that she was forced out unnecessarily. He spoke against a member of council having an office in the City Hall.
  - iv. Ward 4 – He shared two updates for the community. First, he announced a fundraising event organized by Hometown Howard to support the F5RS Rabbit Rescue, where therapy rabbits will be available for photos with residents on March 29. He clarified that pets should not be brought to that specific event but that a separate event on April 4 will allow people to bring dogs for photos with a costumed Easter character. Rufener also briefly mentioned an upcoming fire board meeting scheduled for March 17 at the township hall, ensuring residents were aware of the meeting date and location.
  - v. At-Large – The Fired Board meets on March 17. She reported on the first meeting for the village’s comprehensive planning initiative. The meeting included participation from local business owners, village residents, township residents, and other community stakeholders. The speaker described the meeting as an introductory session focused on identifying priority areas and building relationships among participants. The group plans to hold monthly meetings moving forward to gather input from various sectors of the community, with the goal of shaping long-term development plans. The speaker expressed enthusiasm about the project and optimism about the collaborative planning process.
- b. City Manager – She stated that the Zoning Administrator has resigned. The position will be advertised.

**VIII. Approval of Previous Minutes**

Ms. Stimpert asked for a motion to approve the Regular Meeting Minutes February 18, 2026. Moved by Axiotis. Second by Rufener.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. The minutes were approved.

**IX. Public Hearings**

ORDINANCE NO.: 2026-08

Sponsors: Stimpert, Rufener

AN ORDINANCE APPROVING THE RECODIFICATION, EDITING, AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NEWTON FALLS, OHIO

No public comments.

**X. Unfinished Business**

ORDINANCE 2026-07

Sponsors: Axiotis, Rufener

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A POLE ATTACHMENT AGREEMENT

Clerk Acomb read the ordinance by title only and Ms. Stimpert asked for a motion to adopt the ordinance. Moved by Axiotis. Second by Kropp.

Council Member Brian Kropp noted that the legislation appeared unchanged from previous meetings and questioned why it continued to return to council without revisions. Other members stated they had spoken with the law director

and understood that the agreement might need to be rewritten after further review. Because the law director was not present to answer questions and the ordinance had not been updated, council members expressed uncertainty about moving forward. A motion was then made to remove Ordinance 2026-07 from the agenda until a revised version could be prepared, and the motion passed unanimously.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. The ordinance was removed from the agenda.

ORDINANCE NO.: 2026-08 Sponsors: Stimpert, Rufener  
AN ORDINANCE APPROVING THE RECODIFICATION, EDITING, AND INCLUSION  
OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF  
THE CODIFIED ORDINANCES OF NEWTON FALLS, OHIO

Clerk Acomb read the ordinance by title only and Ms. Stimpert asked for a motion to adopt the ordinance. Moved by Axiotis. Second by Kropp.

Kropp briefly explained that the legislation consisted primarily of a list of pre-notifications previously discussed by council. The ordinance was presented largely as a procedural measure related to the recodification process rather than a substantive policy change.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. The ordinance passed 5-0.

#### **XI. New Business**

ORDINANCE NO.: 2026-09 Sponsors: Kropp, Axiotis  
AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE OF THE VILLAGE OF  
NEWTON FALLS TO ADD A NEW SECTION GOVERNING PROCEDURES FOR  
REQUESTING ABSTENTIONS AND FAILURE TO VOTE BY MEMBERS OF COUNCIL  
Clerk Acomb read the ordinance by title only and Ms. Stimpert asked for a motion to adopt the ordinance. Moved by Kropp. Second by Axiotis.

Mr. Kropp spoke in favor of the ordinance and stated intent to further clarify what should happen in previously ambiguous situations involving an abstention.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. The ordinance passed 5-0. First Reading.

Mr. Rufener made a motion to suspend Council rules. Second by Kropp.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council rules were suspended.

Rufener proposed reviewing the ordinance section-by-section and suggested possible amendments. He raised concerns about the language requiring members requesting an abstention to state their reason during the roll call vote, recommending instead that a council member indicate their intent to abstain before the roll call begins. Brian Kropp responded that abstentions generally occur during roll call and noted that the discussion could become complicated without additional guidance. He suggested that the matter be reviewed further with the administration or law director and recommended postponing the legislation to allow additional feedback and clarification.

Mr. Rufener made a motion to resume Council rules. Second by Stimpert.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council rules were resumed.

Mr. Kropp made a motion to postpone the ordinance until the next regular meeting so that further collaboration with and between Council and the Law Director can occur. Second by Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council rules were resumed.

ORDINANCE NO.: 2026-10 Sponsors: Kropp, Axiotis  
AN ORDINANCE REPEALING CERTAIN PROVISIONS OF CHAPTER 121 OF THE  
CODIFIED ORDINANCES OF THE VILLAGE OF NEWTON FALLS TO ENSURE  
CONSTITUTIONAL COMPLIANCE, ALIGNMENT WITH STATE LAW, AND LEGAL  
DEFENSIBILITY

Clerk Acomb read the ordinance by title only and Ms. Stimpert asked for a motion to adopt the ordinance. Moved by Kropp. Second by Axiotis.

Kropp explained that the legislation was intended to remove several sections of the village's administrative code that conflicted with constitutional protections or other existing laws. He noted that some provisions, including parts of a drug-free workplace requirement, could create legal issues and expose the village to potential lawsuits. Council Member Kevin Rufener agreed, stating that although some of the provisions may have been well-intended, legal research showed they could violate constitutional rights such as freedom of speech or protections against improper search and seizure. Council supported removing the outdated or legally questionable provisions, and the ordinance passed unanimously.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The ordinance passed 5-0. First Reading.

ORDINANCE NO.: 2026-13 Sponsors: Rufener, Axiotis  
AN ORDINANCE REPEALING ORDINANCE 95-05 AND REMOVING CHAPTER 739  
OF THE NEWTON FALLS CODIFIED ORDINANCES.

Clerk Acomb read the ordinance by title only and Ms. Stimpert asked for a motion to adopt the ordinance. Moved by Rufener. Second by Axiotis.

Mr. Axiotis and Mr. Rufener spoke in support of the ordinance. Mr. Rufener explained that the ordinance would repeal an outdated section of the village code that established a cable commission and allowed the village to issue cable television franchises. Members noted that state law adopted in 2007 transferred authority for cable franchise agreements and service standards to the state and the Federal Communications Commission, meaning the village no longer had the power to regulate those agreements. Because the ordinance no longer served a purpose and remained on the books from an earlier time, council supported removing it as part of updating and cleaning up the village's codified ordinances.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The ordinance passed 5-0. First Reading.

RESOLUTION 06-2026 Sponsors: Stimpert, Rufener  
A RESOLUTION TO APPROVE THE INDIGENT BURIAL OR CREMATION POLICY  
Clerk Acomb read the resolution by title only and Ms. Stimpert asked for a motion to adopt the resolution. Moved by Rufener. Second by Axiotis.

The city manager explained that the village had recently received several requests for assistance with burial or cremation costs but lacked a formal policy to

determine eligibility or procedures. The proposed policy would establish guidelines for determining residency, documentation requirements, and the level of services provided, helping ensure consistent decisions and compliance with state law. The policy would also allow the village to seek reimbursement from a state fund for eligible expenses. Council approved the resolution.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The resolution passed 5-0.

A Motion to acknowledge the resignation of the City Manager. Moved by Kropp. Second by Axiotis.

Kropp expressed disappointment about the situation but stated that he respected the decision. He noted that while the outcome was not what many may have intended, the village still has a responsibility to move forward and continue working toward a positive direction for the community. Following the brief discussion, council voted to acknowledge receipt of the resignation.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0.

## **XII. Public Comments**

Julie Lemon

She criticized council actions related to drug testing and employment verification requirements. She argued that employment forms such as the I-9 are federally required and questioned council's opposition to drug testing, stating that many employees and athletes are required to undergo testing and that council members should be willing to meet similar standards. She also referenced prior council actions related to drug testing policies and expressed frustration with certain decisions made by council, asserting that some actions could expose the village to legal issues.

## **XIII. Closing Remarks**

a. Council Members

- i. Ward 1 – He responded to criticism raised during public comments and defended council's actions regarding recent legislation. He stated that some public statements made during the meeting were inaccurate and encouraged residents to review the meeting record and supporting documents. Kropp also explained his past opposition to mandatory drug testing for council members, arguing that it could violate constitutional protections, and noted that he had previously resigned from council rather than comply with such a requirement. He emphasized the importance of protecting constitutional rights while also ensuring that village legislation does not expose the community to legal risk. Kropp concluded by stating that he intends to continue addressing issues he believes are incorrect and remain focused on conducting the business of the village.
- ii. Ward 2 – He addressed several public concerns raised during the meeting. He stated that council members are elected officials rather than employees and therefore are not necessarily subject to the same employment policies, such as employee handbook requirements or certain employment forms. He noted that some issues raised by the public, including drug testing and I-9 requirements, involve legal interpretations that are not always clearly defined and can have differing legal opinions.

Axiotis also emphasized that council has the ability to address misconduct among its own members if necessary.

- iii. Ward 3 – He expressed concern about the treatment of the city manager and stated that he believed she had worked hard for the village and would be difficult to replace. He criticized what he viewed as actions by other council members that contributed to her resignation and argued that the village should have tried to retain her. Burke also expressed frustration about issues related to council offices and suggested that council members in many other communities do not maintain offices in city hall. He spoke to increase the allowance for police officer uniforms.
  - iv. Ward 4 – He reminded the public about the large number of visitors coming to Newton Falls for the local treasure hunt and asked participants to follow the posted rules and respect community property. He noted that village officials had received many calls about people climbing on or entering restricted areas such as the Covered Bridge and other unsafe locations. Rufener emphasized that the treasure hunt has specific boundaries and does not involve certain historic sites or areas like the library’s historical materials. He encouraged residents and visitors to enjoy the event while remaining respectful of historic locations and prioritizing safety.
  - v. At-Large – No remarks.
- b. City Manager – She informed council that planning had begun for the community’s Fourth of July celebration tied to the nation’s 250th anniversary, which would include several special events during that week. She stated that additional details would be announced once plans were finalized. She also noted that city departments may need additional resources and volunteers to assist with activities and cleanup throughout the week and invited community members interested in helping to volunteer.

**XIV. Motion to Recess into Executive Session (If Necessary)**

Mr. Kropp made a motion to enter into Executive Session for the purpose of discussing personnel and the possible employment of a public official. Second by Axiotis.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council entered executive session at 7:13 pm.

Mr. Kropp made a motion to end Executive Session and resume Regular Session. Second by Rufener

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. Council resumed regular session at 7:48 pm.

**XV. Adjournment**

Kropp made a motion to adjourn the regular meeting. Second by Stmpert.

No discussion.

Roll Call Vote: Mr. Axiotis-yes; Mr. Kropp-yes; Mr. Burke-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 5-0. The meeting was adjourned at 7:48 pm.

APPROVED:

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David Hanson, Mayor

ATTEST:

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Michael Acomb, Clerk of Council

DRAFT

## Finance Director's Report



To: Members of Council  
Jamie Vernaccini, City Manager  
David Hanson, Mayor  
Jeff Limbian, Law Director

From: Pamela Hileman, Finance Director  
Date: March 4th, 2026  
Subject: Finance Department

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### Annual Update:

2025 was closed with a *General Fund Unexpended Cash* balance of \$1,041,486.22, and an unexpended *Cash* balance in the *General Fund Reserve* of \$172,699.36.

Also in 2025:

Tax collections totaled \$1,150,409.46

Revenue collections totaled \$16,728,735.38

Expenditure disbursed totaled \$15,573,303.86

### February Monthly Update:

*General Fund* closed with a total unexpended balance of \$926,435.88 (please note this is without completing a cost allocation)

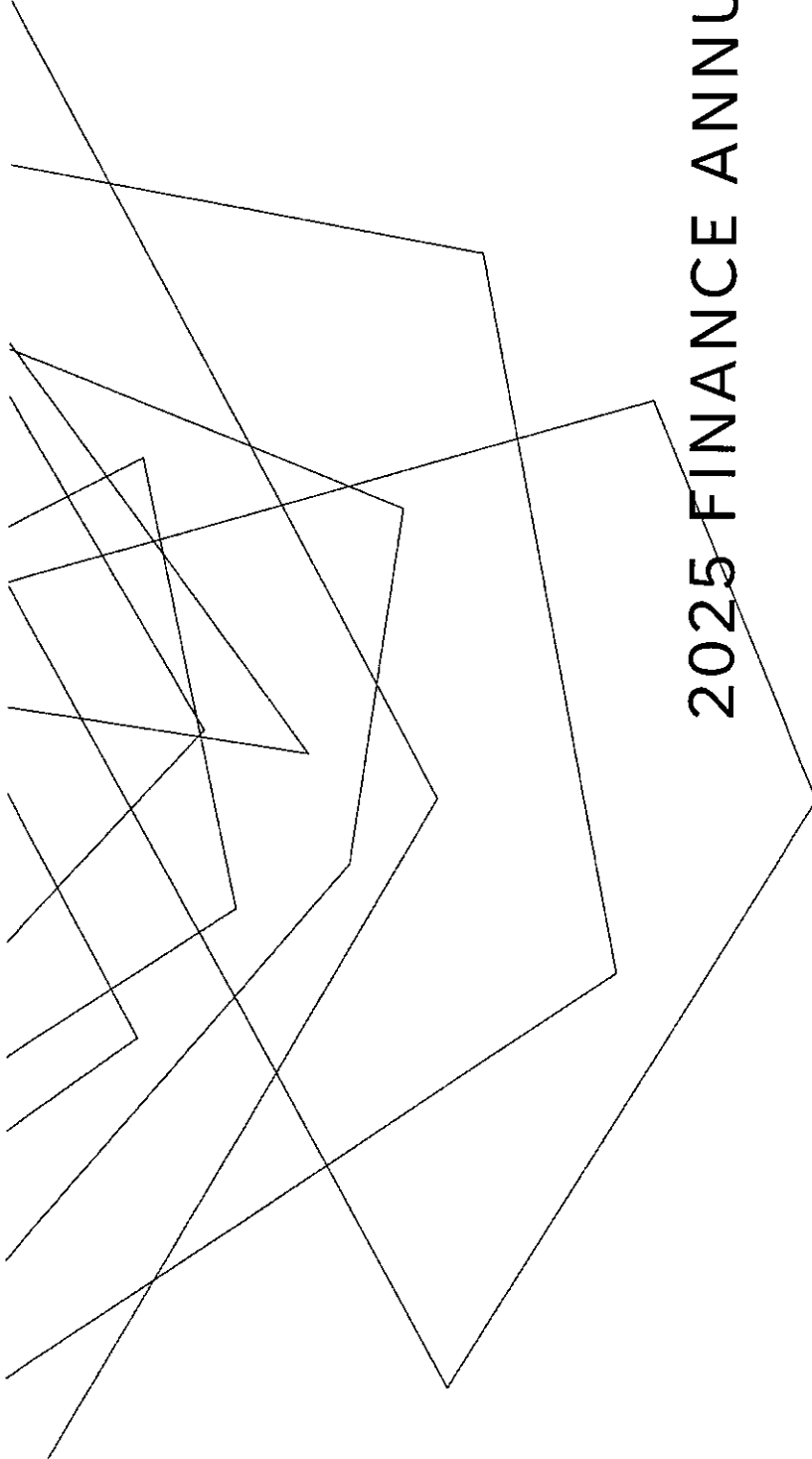
*General Fund Reserve* closed with a total unexpended balance of \$176,042.58

Total Taxes collected as of the closing of February are \$172,322.42

Total Revenue collected as of the closing of February is \$2,562,568.23

Total Expenditures disbursed as of the closing of February are \$2,062,651.89

2025 Financial Statements were filed with the Hinkle system at the State Auditors office on Monday March 2, 2026, which was before the deadline.



# 2025 FINANCE ANNUAL REPORT

## VILLAGE OF NEWTON FALLS

PREPARED BY: PAMELA HILEMAN, FINANCE DIRECTOR

# CONTENTS

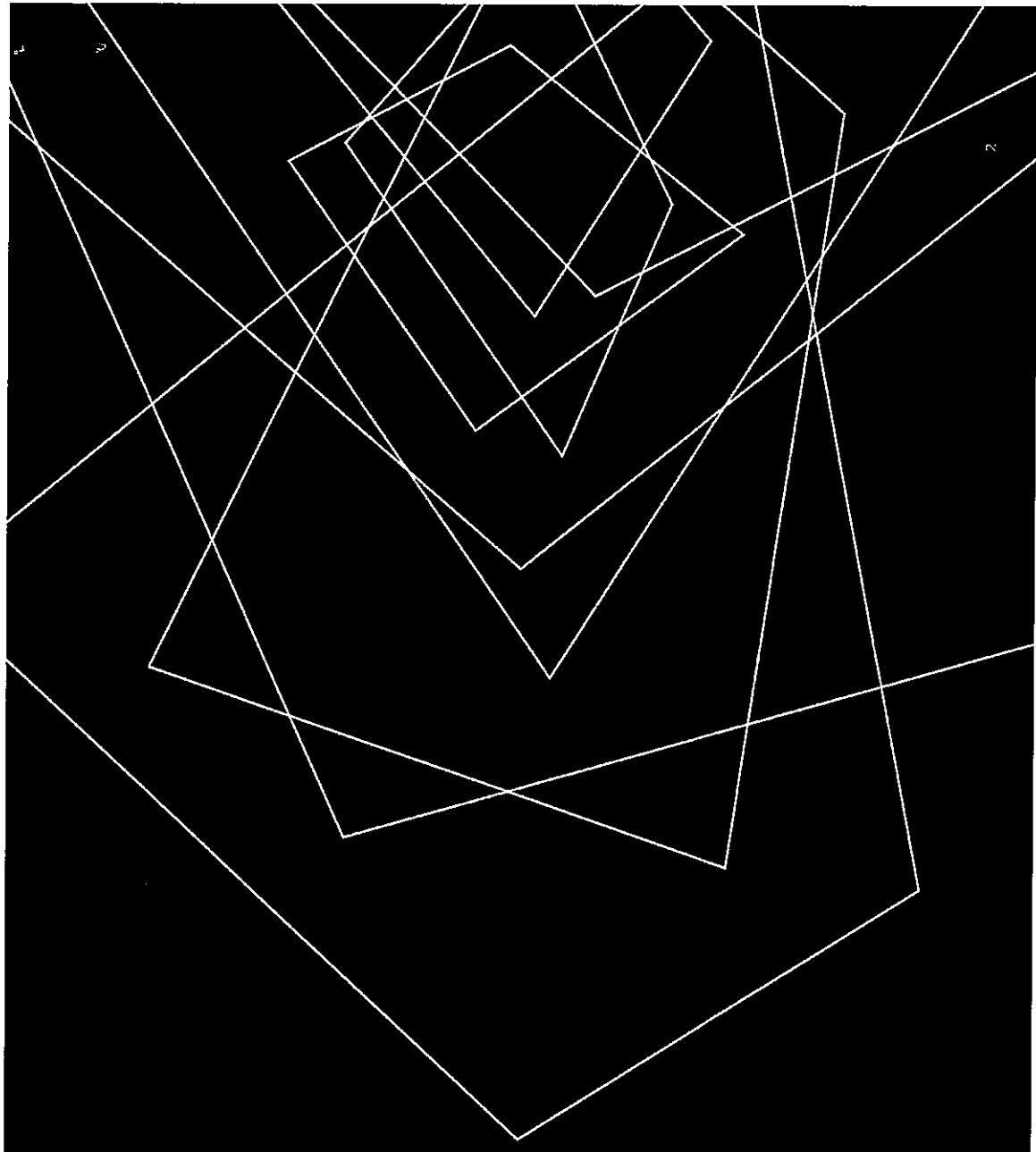
Executive Summary

Financial Overview

Operational Performance

Recommendations and

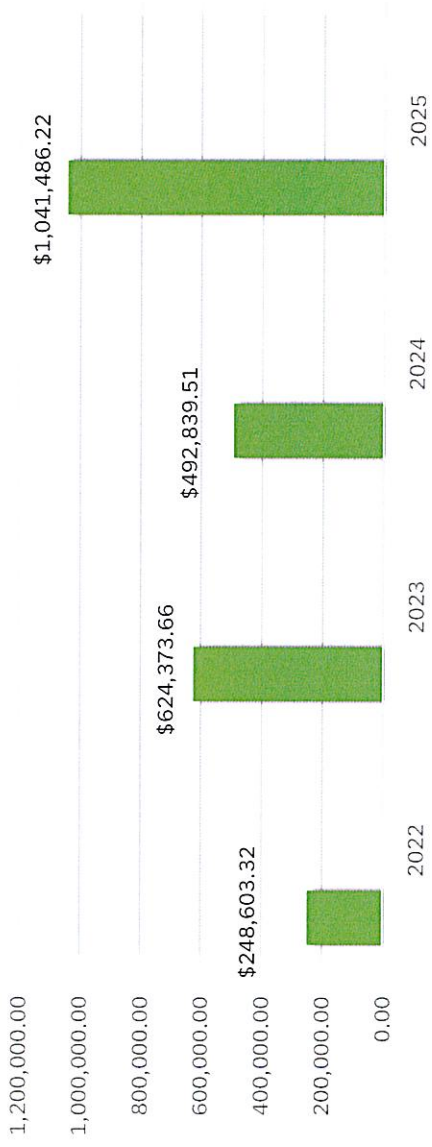
Action Plan

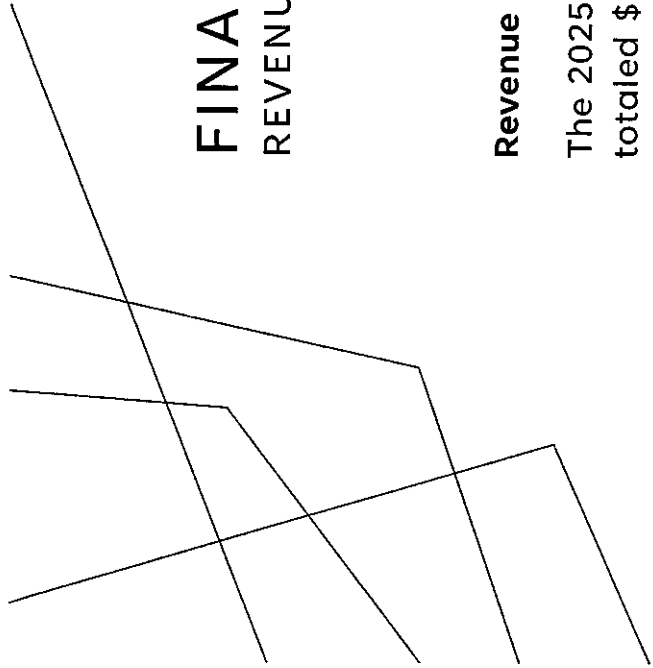


# EXECUTIVE SUMMARY

THE VILLAGE OF NEWTON FALLS CLOSED 2025 WITH AN INCREASE IN THE GENERAL FUND OF \$548,646.71 FROM THE PRIOR YEAR OF 2024.

Chart Title





# FINANCIAL OVERVIEW

## REVENUE VS. EXPENSES

### Revenue

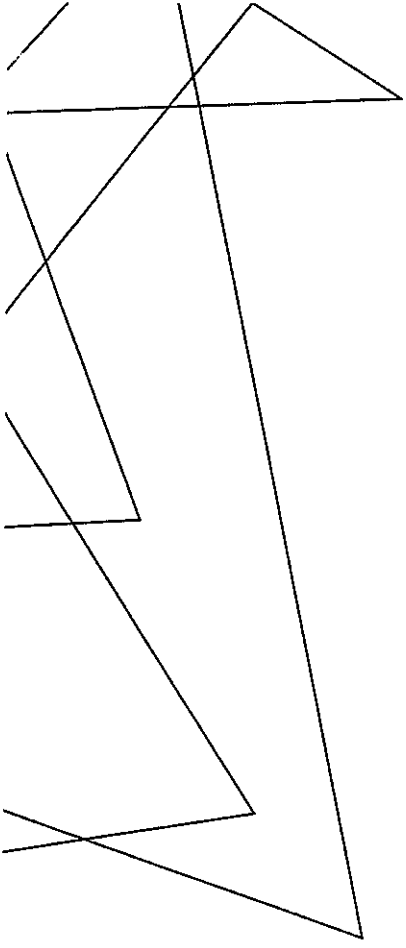
The 2025 closing revenue balance totaled \$16,728,735.38.

### Expenses

The 2025 closing expense balance totaled \$15,573,303.86.

The closing revenue balance superseded the closing expense balance of \$1,155,431.52.

## OPERATIONAL PERFORMANCE



- The Finance Department is currently training for the new VIP software.
- The Finance Department has had many interactive video training calls, gathered and reported all data needed to build our new software program and collaborated weekly with the VIP software training team.
- On February 4, 2026, we are scheduled to receive our “sandbox”. This will allow us to explore the software with our own data and do more “in-depth” training with the VIP team.
- The tentative scheduled “go live” date is June of 2026 for the software program.

## RECOMMENDATIONS AND ACTION PLAN

Key Items	MEASUREMENT	TARGET
Software Transition	100% complete	End of 2026
Financial Growth	Continue to show growth and increasing balances	Continued
Employee Training	Attend in person/online training courses	Continued

# THANK YOU

Pamela Hileman, Finance Director

330-872-0806

[financedirector@newtonfallsoh.gov](mailto:financedirector@newtonfallsoh.gov)

Statement of Cash Pos w/MTD

AS OF: 12/31/2025 YEAR: 2025

FUND NO.	FUND DESCRIPTION	STARTING ACCOUNT:				ENDING ACCOUNT:				UNEXPENDED BALANCE	OUTSTANDING ENCUMBRANCE	ENDING BALANCE
		BEGINNING BALANCE	M-T-D	Y-T-D	M-T-D	M-T-D	Y-T-D	M-T-D	Y-T-D			
100	GENERAL FUND	492839.51	0.00	2262731.25	0.00	1714084.54	1041486.22	93352.12	948134.10		948134.10	
101	GENERAL FUND RESERV	150389.13	0.00	22310.23	0.00	0.00	172699.36	0.00	172699.36		172699.36	
201	STREET CMR	33766.12	0.00	430692.65	0.00	463187.91	1270.86	0.00	1270.86		1270.86	
202	STATE HIGHWAY IMPRO	91331.88	0.00	27179.40	0.00	32910.28	85601.00	0.00	85601.00		85601.00	
203	PERMISSIVE AUTO	129168.00	0.00	105017.88	0.00	46836.15	187349.73	500.00	186849.73		186849.73	
204	PARK AND RECREATION	28807.83	0.00	17142.63	0.00	8628.00	37322.46	0.00	37322.46		37322.46	
208	DRUG LAW ENFORCEMEN	12787.08	0.00	495.00	0.00	0.00	13282.08	0.00	13282.08		13282.08	
213	COMMUNITY SERVICES	1437.84	0.00	0.00	0.00	384.93	1052.91	0.00	1052.91		1052.91	
214	SR CITIZEN VAN	1107.78	0.00	0.00	0.00	0.00	1107.78	0.00	1107.78		1107.78	
215	INDIGENT DRIVERS	16755.31	0.00	1034.00	0.00	7436.85	10352.46	0.00	10352.46		10352.46	
216	ECONOMIC DEVELOPMEN	255.60	0.00	0.00	0.00	0.00	255.60	0.00	255.60		255.60	
217	HOME IMPROVEMENT LO	111073.52	0.00	9273.11	0.00	22595.00	97751.63	0.00	97751.63		97751.63	
218	LAW LIBRARY	1931.00	0.00	9844.00	0.00	9844.00	1931.00	0.00	1931.00		1931.00	
219	ENFORCEMENT AND EDU	31847.23	0.00	1696.00	0.00	0.00	33543.23	0.00	33543.23		33543.23	
220	SPECIAL LEVY POLICE	42539.17	0.00	24883.30	0.00	15382.74	52039.73	0.00	52039.73		52039.73	
221	INCOME TAX	0.00	0.00	1150409.46	0.00	1150409.46	0.00	0.00	0.00		0.00	
222	COURT COMPUTERIZATI	384137.87	0.00	54469.00	0.00	46693.85	391913.02	0.00	391913.02		391913.02	
223	COURT GENERAL SPECI	867693.21	0.00	76227.20	0.00	116638.20	827282.21	0.00	827282.21		827282.21	
224	COURT SECURITY/DIVE	1170.00	0.00	300.00	0.00	175.00	1295.00	0.00	1295.00		1295.00	
225	INDIGENT DRIVERS AL	199117.16	0.00	10246.17	0.00	11116.20	198247.13	0.00	198247.13		198247.13	
226	PROBATION IMPROVEME	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
227	PROBATION INCENTIVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
228	JUSTICE REINVESTMEN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
229	DRUG DIVERSION HALO	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
230	JUSTICE REINVESTMEN	0.00	0.00	11601.00	0.00	0.00	11601.00	11601.00	0.00	11601.00	0.00	
231	COVID-19 FED CARES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
232	COURT COVID-19 TECH	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
233	AREA LOCAL FISCAL R	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
234	ONE OHIO OPIOID SET	46547.88	0.00	17314.18	0.00	3196.00	60666.06	0.00	60666.06		60666.06	
400	CAPITAL IMPROVEMENT	12455.56	0.00	55775.53	0.00	13222.12	55008.97	0.00	55008.97		55008.97	
402	ROAD BUIDLING AND E	364.52	0.00	0.00	0.00	0.00	364.52	0.00	364.52		364.52	
405	FUTURE BUILDING FUN	4560.70	0.00	0.00	0.00	0.00	4560.70	0.00	4560.70		4560.70	
407	CITY HALL BROAD ST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
408	PARK FENCE CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00	
409	MEDLEY SEWER CAPITA	2713.85	0.00	0.00	0.00	0.00	2713.85	0.00	2713.85		2713.85	
410	AMI METERING PROJEC	6.90	0.00	0.00	0.00	0.00	6.90	0.00	6.90		6.90	
501	WATER OPERATING	480213.25	0.00	2331207.18	0.00	2049702.52	761717.91	41695.97	720021.94		720021.94	
502	SEWER OPERATING	934498.80	0.00	1990282.37	0.00	1183335.96	1741245.21	94610.00	1646635.21		1646635.21	
503	ELECTRIC OPERATING	2443946.64	0.00	6436545.11	0.00	6226398.89	2654092.86	12624.52	2641468.34		2641468.34	
504	STORMWATER OPERATIN	250098.98	0.00	82535.56	0.00	103391.71	229242.83	30455.20	198787.63		198787.63	
505	SEWER OPWC ISSUE 1	19802.21	0.00	0.00	0.00	0.00	19802.21	0.00	19802.21		19802.21	
506	SEWER OPWC ISSUE 1	7008.88	0.00	0.00	0.00	0.00	7008.88	0.00	7008.88		7008.88	
507	ELECTRIC REPLACEMENT	223404.18	0.00	0.00	0.00	57630.00	165774.18	0.00	165774.18		165774.18	
508	UTILITY GT REFUND	234250.19	0.00	36618.73	0.00	27266.02	243602.90	0.00	243602.90		243602.90	
510	REFUSE	31224.33	0.00	409656.73	0.00	416302.07	24578.99	0.00	24578.99		24578.99	
514	UTILITY OFFICE	71788.42	0.00	285563.59	0.00	275913.72	81438.29	0.00	81438.29		81438.29	









# Village of Newton Falls

## Council Meeting – Ward 1 Report

**Councilman:** Brian Kropp, 1st Ward

**Meeting Date:** March 4, 2026

**Reporting Period:** February 18, 2026 to March 4, 2026

### I. Overview Summary

Since the February 18, 2026 Regular Council Meeting, several significant developments have occurred affecting governance, regional engagement, and constituent communication.

The City Manager has formally submitted her letter of resignation, with her final day scheduled for April 22, 2026. Council will need to engage in a structured and deliberate process to identify and appoint a qualified and experienced replacement capable of leading the Village's administrative functions with long-term stability and professionalism.

This transition also presents an opportunity for the Village. In my view, Newton Falls is in a unique position at this time. The community appears poised for the next stage of growth and development, and there is growing recognition that continued progress will require stronger regional relationships, collaboration, and strategic partnerships. As Council moves forward with the recruitment and outreach process for the next City Manager, I believe it is important that we present Newton Falls as a community that is ready to build on its strengths and pursue responsible economic development, including opportunities to attract commercial and industrial investment that can support job creation, housing development, and long-term community stability.

Multiple legislative items submitted on February 9, 2026 were not initially placed on the February 18 agenda. Since that time, several have been added to subsequent agendas. Certain items were withdrawn, including proposed reprimand legislation related to a Council abstention matter.

Additionally, there has been continued regional engagement focused on economic development, corridor planning, and intergovernmental relationship building.

## **II. Constituent & Ward Engagement**

### **A. Utility Meter Monitoring – Aclara Electric Meters**

A resident inquired whether the Aclara electric meters installed in the Village included a consumer-facing monitoring application or digital interface allowing residents to track usage in real time.

I forwarded the inquiry to the City Manager, who consulted with the Utility Department. The response indicated that prior administration had referenced such monitoring capability; however, no definitive explanation was provided as to why the service was never implemented or activated.

At present:

- There is no confirmed active consumer monitoring platform.
- No definitive explanation has been provided regarding the lack of implementation.
- It remains unclear whether the issue is contractual, technological, financial, or administrative.

I responded to the resident with the information received and will continue seeking clarification to determine feasibility moving forward.

### **B. Nuisance Dog Barking Inquiry**

A resident contacted me regarding continuous dog barking by a neighboring property and inquired about enforcement options.

After reviewing Village codified ordinances, I provided the resident with the applicable section addressing nuisance animal behavior and excessive barking and advised them to contact the Police Department for enforcement guidance under the existing code framework.

## **III. Actions Taken & Follow-Ups**

### **A. Legislative Submissions – February 9, 2026**

Multiple legislative items were submitted on February 9, 2026. Initially, several were not placed on the February 18 agenda. Since that time:

- Several items have been placed on this meeting's agenda

- Items that were allegedly kept off the agenda for legal review appear to not have been reviewed at all
- The pole attachment agreement that has been postponed multiple times has not been altered at all from its previous version

## **IV. Meetings, Site Visits & External Engagement**

### **A. Eastgate Regional Council of Governments – Meeting with Executive Director**

I met with Mr. Jim Kinnick, Executive Director of Eastgate Regional Council of Governments, along with several members of his staff at their Youngstown office.

During this meeting, I presented a corridor development concept that I have been working on and that is currently in development. The proposal is intended to be regionally aligned and, if refined and supported, could serve as a strategic development initiative for Newton Falls and the broader area.

The meeting was productive and positive. Eastgate staff:

- Provided reference materials and planning resources.
- Offered feedback and preliminary support.
- Shared additional contacts for potential collaboration.
- Expressed willingness to assist with regional alignment efforts.

This engagement is part of a broader effort to expand Newton Falls' regional partnerships and ensure the Village is actively participating in regional growth and planning conversations.

The project is still in development. Once refined and structured further, it will hopefully be formally presented to Council and the administration for review and potential consideration.

### **B. Columbiana City – Meeting with City Manager Lance Willard**

On the morning of March 4, I met with Mr. Lance Willard, City Manager of Columbiana, and Ms. Roberta Streiffert of RCAP (Rural Community Assistance Partnership).

The meeting focused on:

- Municipal growth strategy
- Downtown revitalization
- Business attraction
- Infrastructure planning
- Grant and technical assistance opportunities

Columbiana's development trajectory provides a relevant comparative model for Newton Falls, given similarities in scale and structure. The meeting included review of presentation materials detailing Columbiana's strategic initiatives and operational approach.

The engagement was constructive and may present opportunities for collaboration or technical support in the future.

## **V. Legislative Context (Reference Only)**

### **Pole Attachment Agreement**

The proposed pole attachment agreement previously referenced in prior council discussions remains pending before Council and has appeared on the Council floor on multiple occasions. Action on the matter has been postponed several times during the past month.

During prior discussions, concerns were raised regarding drafting issues within the document, including grammatical errors and structural language concerns that, in my view, warranted further review before the agreement was presented for adoption. One of the stated reasons for postponing action on the item was to allow time for additional review and correction, including review by the Law Department.

The version of the agreement currently listed on the March 4 agenda appears to be materially the same version previously presented to Council. Based on the document currently before Council, it does not appear that substantive revisions have been incorporated since the earlier discussions.

My position on the matter remains unchanged. I believe it is appropriate for agreements of this nature to undergo careful review and revision prior to Council action to ensure that the language is accurate, complete, and suitable for adoption as an official municipal agreement.

This item therefore remains part of the ongoing legislative context currently before Council.

## **VI. Open Items & Forward Look**

### **Administrative Code Review – Utility Billing Appeals Review Board**

I previously submitted legislation on February 9, 2026 proposing repeal and restructuring of the Administrative Code section governing the Utility Billing Appeals Review Board. The intent of the proposal was to address procedural concerns in the existing code language and to ensure that the Board's structure and meeting procedures are clear, defensible, and aligned with standard public meeting practices.

The legislation was initially submitted with a request for emergency consideration so that Council could review and potentially act on the matter prior to the Utility Billing Appeals Review Board meeting scheduled for early March.

The legislation was not placed on the February 18 agenda. It was later placed on the March 4 agenda; however, as it appeared that the proposal had not yet undergone review or discussion, I chose to withdraw the item so that it could be further evaluated and properly prepared for Council consideration.

I have notified the Clerk that I intend to resubmit revised legislation for consideration at the second Council meeting in March. The goal is to ensure that any revisions to the Administrative Code are reviewed and finalized in advance of the next scheduled Utility Billing Appeals Review Board meeting on April 1.

I intend to seek a co-sponsor for the revised legislation and look forward to working with Council to ensure the administrative code language governing the Board is clear, practical, and legally sound.

## **VII. Submission Statement**

This Ward 1 report is respectfully submitted for inclusion in the official record.

---

**Submitted by:**

Brian Kropp  
Councilman, First Ward  
Village of Newton Falls

03/04/2026

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2026-08  
SPONSORS: Councilpersons Stimpert, Rufener

**AN ORDINANCE APPROVING THE RECODIFICATION, EDITING, AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NEWTON FALLS, OHIO**

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

WHEREAS, Council desires to amend the Village Codified Ordinances accordingly.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1: That the editing, arrangement and numbering of those ordinances and resolutions enacted by Council from December 1, 2024 to December 3, 2025, are hereby approved and adopted as printed in the 2025 Replacement Pages to the Codified Ordinances so as to achieve uniformity of style and classification. A copy of such replacement pages are attached to this ordinance and incorporated as a part hereof.

SECTION 2: That the following sections of the Traffic, General Offenses, and Building Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Traffic Code

- 301.02 Agricultural tractor and traction engine. (Added)
- 301.03 Alley. (Added)
- 301.04 Arterial street or highway. (Added)
- 301.05 Autocycle. (Added)
- 301.06 Beacon. (Added)
- 301.07 Bicycle. (Added)
- 301.08 Bicycle box. (Added)
- 301.09 Bicycle lane. (Added)
- 301.10 Bicycle signal face. (Added)
- 301.11 Bicycle signal sign. (Added)
- 301.12 Bikeway. (Added)
- 301.13 Bus. (Added)
- 301.14 Business district. (Added)
- 301.15 Busway. (Added)
- 301.16 Cab-enclosed motorcycle. (Added)
- 301.17 Chauffeured limousine. (Added)
- 301.18 Child care center. (Added)
- 301.19 Commercial tractor. (Added)
- 301.20 Controlled-access highway. (Added)
- 301.21 Crosswalk. (Added)
- 301.22 Driver or operator. (Added)
- 301.23 Driveway. (Added)

- 301.24 Electric bicycle. (Added)
- 301.25 Electronic. (Added)
- 301.26 Emergency vehicle. (Added)
- 301.27 Explosives. (Added)
- 301.28 Expressway. (Added)
- 301.29 Farm machinery. (Added)
- 301.30 Flammable liquid. (Added)
- 301.31 Freeway. (Added)
- 301.32 Funeral escort vehicle. (Added)
- 301.33 Gross weight. (Added)
- 301.34 Highway maintenance vehicle. (Added)
- 301.35 Highway traffic signal. (Added)
- 301.36 Hybrid beacon. (Added)
- 301.37 In-road warning light. (Added)
- 301.38 Intersection. (Added)
- 301.39 Lane-use control signal. (Added)
- 301.40 Laned highway. (Added)
- 301.41 Limited driving privileges. (Added)
- 301.42 Local authorities. (Added)
- 301.43 Low-speed micromobility device. (Added)
- 301.44 Median. (Added)
- 301.45 Motor-driven cycle or motor scooter. (Added)
- 301.46 Motor vehicle. (Added)
- 301.47 Motorcycle. (Added)
- 301.48 Motorized bicycle or moped. (Added)
- 301.49 Motorized wheelchair. (Added)
- 301.50 Multi-wheel agricultural tractor. (Added)
- 301.51 Natural resources officer. (Added)
- 301.52 Operate. (Added)
- 301.53 Parked or parking. (Added)
- 301.54 Pedestrian. (Added)
- 301.55 Person. (Added)
- 301.56 Pole trailer. (Added)
- 301.57 Police officer. (Added)
- 301.58 Predicate motor vehicle or traffic offense. (Added)
- 301.59 Private road. (Added)
- 301.60 Public safety vehicle. (Added)
- 301.61 Railroad. (Added)
- 301.62 Railroad sign or signal. (Added)
- 301.63 Residence district. (Added)
- 301.64 Ridesharing arrangement. (Added)
- 301.65 Right-of-way. (Added)
- 301.66 Road service vehicle. (Added)
- 301.67 Roadway. (Added)
- 301.68 Roundabout. (Added)
- 301.69 Rural mail delivery vehicle. (Added)
- 301.70 Safety zone. (Added)
- 301.71 School bus. (Added)
- 301.72 Semitrailer. (Added)
- 301.73 Shared-use path. (Added)

- 301.74 Shoulder. (Added)
- 301.75 Sidewalk. (Added)
- 301.76 Site roadway open to public travel. (Added)
- 301.77 Standing. (Added)
- 301.78 State. (Added)
- 301.79 State highway. (Added)
- 301.80 State route. (Added)
- 301.81 Stop. (Added)
- 301.82 Stop intersection. (Added)
- 301.83 Stopping. (Added)
- 301.84 Street or highway. (Added)
- 301.85 Through highway. (Added)
- 301.86 Thruway. (Added)
- 301.87 Traffic. (Added)
- 301.88 Traffic control device. (Added)
- 301.89 Traffic control signal. (Added)
- 301.90 Trailer. (Added)
- 301.91 Train. (Added)
- 301.92 Truck. (Added)
- 301.93 Two-stage bicycle turn box. (Added)
- 301.94 Type A family child care home. (Added)
- 301.95 Urban district. (Added)
- 301.96 Vehicle. (Added)
- 301.97 Waste collection vehicle. (Added)
- 301.98 Wildlife officer. (Added)
- 313.02 Through Highways; Stop and Yield Right-of-Way Signs. (Amended)
- 313.03 Traffic Signal Indications. (Amended)
- 313.04 Lane-Use Control Signal Indications. (Amended)
- 313.09 Driver's Duties Upon Approaching Ambiguous or Non-Working Traffic Signal. (Amended)
- 313.10 Unlawful Purchase, Possession or Sale. (Amended)
- 313.11 Portable Signal Preemption Devices Prohibited. (Amended)
- 313.12 Bicycle Symbol Signal Indications. (Added)
- 331.33 Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle, or Manufactured or Mobile Home While in Motion. (Amended)
- 331.381 Stopping for School Bus; Discharging Children. (Amended)
- 331.39 Driving Across Grade Crossing. (Amended)
- 331.40 Stopping at Grade Crossing. (Amended)
- 331.401 Slow-Moving Vehicles or Equipment Crossing Railroad Tracks. (Added)
- 333.01 Driving or Physical Control While Under the Influence. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 333.11 Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
- 335.04 Certain Acts Prohibited. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Registration. (Amended)

- 337.24 Motor Vehicle Stop Lights. (Amended)
- 337.26 Child Restraint System Usage. (Amended)
- 341.01 Commercial Drivers Definitions. (Amended)
- 351.03 Prohibited Standing or Parking Places. (Amended)
- 371.01 Right of Way in Crosswalk. (Amended)
- 371.03 Crossing Roadway Outside Crosswalk; Diagonal Crossings at Intersections.  
(Amended)
- 371.11 Persons Operating Motorized Wheelchairs. (Deleted)
- 371.12 Electric Personal Assistive Mobility Devices. (Amended)

General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.02 Gift of Marihuana. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.05 Permitting Drug Abuse. (Amended)
- 513.07 Possessing or Using Harmful Intoxicants. (Amended)
- 513.08 Illegally Dispensing Drug Samples. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.17 Pseudoephedrine Sales. (Added)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.04 Sexual Imposition. (Amended)
- 533.16 Grooming. (Added)
- 537.02 Vehicular Homicide and Manslaughter. (Amended)
- 537.14 Domestic Violence. (Amended)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine  
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- 537.20 Illegal Use of a Tracking Device or Application. (Added)
- 545.01 Theft and Fraud Definitions. (Amended)
- 545.05 Misdemeanor Theft. (Amended)
- 549.12 Concealed Handgun Licenses; Possession of Revoked or Suspended License;  
Additional Restrictions; Posting Signs Prohibiting Possession.  
(Amended)

SECTION 3. That all formal action of this Council concerning and relating to the adoption of this Ordinance was taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall be effective as of the earliest date permitted by law.

ORDINANCE NO.: 2026-08  
PAGE 5

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF MARCH, 2026.

\_\_\_\_\_  
David Hanson, Mayor

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Jeff Limbian, Law Director

**Codified  
Ordinances  
of the  
City of  
Newton Falls  
Ohio**

Local legislation current through December 3, 2025

State legislation current through June 5, 2025

CERTIFICATION

We, David Nils Hanson, the Mayor, and Michael Acomb, City Clerk, of the City of Newton Falls, Ohio, pursuant to Ohio R.C. 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Newton Falls, 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 the City of Newton Falls, Ohio, 1994 as amended to December 3, 2025.

/s/ David Nils Hanson  
Mayor

/s/ Michael Acomb  
City Clerk

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

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NEWTON FALLS, OHIO

ROSTER OF OFFICIALS

(2025)

COUNCIL

Brian Kropp	Ward 1
Brian Axiotis	Ward 2
Robert Burke	Ward 3
Kevin Rufener	Ward 4
Julie Stimpert	At-Large

ADMINISTRATION

David Nils Hanson	Mayor
Jamie Vernaccini	Interim City Manager
Vacant	Law Director
Michael Acomb	City Clerk
Pamela Hileman	Finance Director

The publisher  
expresses its appreciation

to

MICHAEL ACOMB  
City Clerk

and all other officers and employees  
who gave their time and counsel  
to this 1994 codification  
and preparation of 2025  
replacement pages.

## GENERAL INDEX

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

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

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**CHAPTER 153**  
**Employment Provisions**

EDITOR'S NOTE: Work and pay standards for employees are not codified herein. Please consult the Clerk for relevant provisions.

**153.01 Holidays.**  
**153.02 Reserved.**

**153.03 Credit hours for full-time department heads and department superintendents who are salaried employees.**

**CROSS REFERENCES**

Welfare - see Ohio Const., Art. II, Sec. 34  
Worker's compensation - see Ohio Const., Art. II, Sec. 35; Ohio R.C. Ch. 4123  
Wages and hours on public works - see Ohio Const., Art. II, Sec. 37; Ohio R.C. 4115  
Public Employees Retirement System - see Ohio R.C. Ch. 145  
Expenses for attendance at conference or convention - see Ohio R.C. 733.79  
Vacation credits - see Ohio R.C. 9.44  
Ethics - see Ohio R.C. Ch. 102

**153.01 HOLIDAYS.**

(a) Designated Holidays. The following days are designated as holidays for full-time employees: New Year's Day, Martin Luther King Day, President's Day, Good Friday (Non-Police Officers Only), Easter Sunday (Police officers Only), Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, Day After Thanksgiving, Veteran's Day, Christmas Eve, and Christmas Day.

(b) Holiday Pay. All full-time employees shall receive eight hours of holiday pay at their current rate for such holidays as are in full force and effect. All full-time employees shall be governed by the following: When one of the above holidays falls on a Sunday, the next Monday will be observed as the holiday. When a holiday falls on a Saturday, the preceding Friday will be observed as the holiday. When Christmas Eve falls on a Friday, it shall be observed on the preceding Thursday. When Christmas Eve falls on a Sunday, it shall be observed on the next

Tuesday. Any holiday that falls during any employee's scheduled vacation shall not be counted as a day of vacation. Any holiday that falls during an employee's sick leave shall not be counted as a day of sick leave. All full-time employees who are required to work during a holiday, shall receive pay at their regular rate plus one and one-half times their base rate for the hours actually worked. (Ord. 2023-09. Passed 3-1-23.)

**153.02 RESERVED.**

**153.03 CREDIT HOURS FOR FULL-TIME DEPARTMENT HEADS AND DEPARTMENT SUPERINTENDENTS WHO ARE SALARIED EMPLOYEES.**

(a) Full-Time Department Heads and Department Superintendents who are salaried employees and are required to work more than eight hours in any day during any pay period, with the knowledge and approval of the City Manager, shall be permitted to flex their work schedules during the same pay period, with the permission of the City Manager, in order to reduce their work schedule during that pay period by any hours worked in excess of eight hours in any day during that pay period. Such flex hours shall be credited on an hour to hour basis for any hours worked in excess of eight (8) hours in any day during the pay period.

(b) In the event that due to work demands with respect to their position and/or denial of permission to flex their schedules by the City Manager, any Full-Time Department Head or Superintendent is unable to flex their schedule within any pay period to account for hours worked during emergency call outs, called in while on paid time off, or in excess of eight hours by one or more hours in a day for emergency work during the pay period, such employee shall earn "Credit Hours" for those hours worked, listed above, in any day during the pay period. Such employee shall earn one credit hour for each hour worked and may not accumulate more than seventy-five (75) credit hours without using such hours as paid leave. Any credit hours accumulated shall be used prior to utilizing any vacation leave. Unused credit hours may not be carried over from year to year. (Ord. 2025-25. Passed 5-21-25.)

# **CODIFIED ORDINANCES OF NEWTON FALLS**

## **PART THREE - TRAFFIC CODE**

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### **TITLE ONE - Administration**

- Chap. 301. Definitions.
- Chap. 303. Enforcement, Impounding and Penalty.
- Chap. 305. Traffic Control.

### **TITLE THREE - Streets and Traffic Control Devices**

- Chap. 311. Street Obstructions and Special Uses.
- Chap. 313. Traffic Control Devices.

### **TITLE FIVE - Vehicles**

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

### **TITLE SEVEN - Parking**

- Chap. 351. Parking Generally.
- Chap. 352. Traffic Ticket Bureau.

### **TITLE NINE - Pedestrians, Bicycles and Motorcycles**

- Chap. 371. Pedestrians.
- Chap. 373. Bicycles and Motorcycles.
- Chap. 375. Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles.
- Chap. 377. Under-Speed, Low-Speed, and Utility Vehicles.

## CODIFIED ORDINANCES OF NEWTON FALLS

### PART THREE - TRAFFIC CODE

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#### TITLE ONE - Administration

Chap. 301. Definitions.

Chap. 303. Enforcement, Impounding and Penalty.

Chap. 305. Traffic Control.

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#### CHAPTER 301 Definitions

<p>301.01 Meaning of words and phrases.</p> <p>301.02 Agricultural tractor and traction engine.</p> <p>301.03 Alley.</p> <p>301.04 Arterial street or highway.</p> <p>301.05 Autocycle.</p> <p>301.06 Beacon.</p> <p>301.07 Bicycle.</p> <p>301.08 Bicycle box.</p> <p>301.09 Bicycle lane.</p> <p>301.10 Bicycle signal face.</p> <p>301.11 Bicycle signal sign.</p> <p>301.12 Bikeway.</p> <p>301.13 Bus.</p> <p>301.14 Business district.</p> <p>301.15 Busway.</p> <p>301.16 Cab-enclosed motorcycle.</p> <p>301.17 Chauffeured limousine.</p> <p>301.18 Child care center.</p> <p>301.19 Commercial tractor.</p> <p>301.20 Controlled-access highway.</p> <p>301.21 Crosswalk.</p> <p>301.22 Driver or operator.</p> <p>301.23 Driveway.</p> <p>301.24 Electric bicycle.</p> <p>301.25 Electronic.</p> <p>301.26 Emergency vehicle.</p> <p>301.27 Explosives.</p> <p>301.28 Expressway.</p> <p>301.29 Farm machinery.</p> <p>301.30 Flammable liquid.</p> <p>301.31 Freeway.</p> <p>301.32 Funeral escort vehicle.</p> <p>301.33 Gross weight.</p> <p>301.34 Highway maintenance vehicle.</p>	<p>301.35 Highway traffic signal.</p> <p>301.36 Hybrid beacon.</p> <p>301.37 In-road warning light.</p> <p>301.38 Intersection.</p> <p>301.39 Lane-use control signal.</p> <p>301.40 Laned highway.</p> <p>301.41 Limited driving privileges.</p> <p>301.42 Local authorities.</p> <p>301.43 Low-speed micromobility device.</p> <p>301.44 Median.</p> <p>301.45 Motor-driven cycle or motor scooter.</p> <p>301.46 Motor vehicle.</p> <p>301.47 Motorcycle.</p> <p>301.48 Motorized bicycle or moped.</p> <p>301.49 Motorized wheelchair.</p> <p>301.50 Multi-wheel agricultural tractor.</p> <p>301.51 Natural resources officer.</p> <p>301.52 Operate.</p> <p>301.53 Parked or parking.</p> <p>301.54 Pedestrian.</p> <p>301.55 Person.</p> <p>301.56 Pole trailer.</p> <p>301.57 Police officer.</p> <p>301.58 Predicate motor vehicle or traffic offense.</p> <p>301.59 Private road.</p> <p>301.60 Public safety vehicle.</p> <p>301.61 Railroad.</p> <p>301.62 Railroad sign or signal.</p> <p>301.63 Residence district.</p> <p>301.64 Ridesharing arrangement.</p> <p>301.65 Right-of-way.</p>
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301.67	Roadway.	301.83	Stopping.
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301.69	Rural mail delivery vehicle	301.85	Through highway.
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301.72	Semitrailer.	301.88	Traffic control device.
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301.75	Sidewalk.	301.91	Train.
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301.77	Standing.	301.93	Two-stage bicycle turn box.
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301.79	State highway.	301.95	Urban district.
301.80	State route.	301.96	Vehicle.
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		301.98	Wildlife officer.

#### CROSS REFERENCES

See sectional histories for similar State law  
 Funeral procession defined - see TRAF. 331.24  
 Street racing defined - see TRAF. 333.07  
 Studded tire defined - see TRAF. 339.11  
 Blind person defined - see TRAF. 371.02  
 Snowmobile, off-highway motorcycle and all purpose vehicle defined - see TRAF. 375.01  
 School zones defined - see TRAF. 333.03(b)

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#### 301.01 MEANING OF WORDS AND PHRASES.

The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

#### 301.02 AGRICULTURAL TRACTOR AND TRACTION ENGINE.

“Agricultural tractor” and “traction engine” means every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.  
 (ORC 4511.01(J))

#### 301.03 ALLEY.

“Alley” means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an “alley” by the Legislative Authority of the municipality in which the street or highway is located.  
 (ORC 4511.01(XX))

**301.04 ARTERIAL STREET OR HIGHWAY.**

“Arterial street or highway” means a street or highway primarily used by through traffic, usually on a continuous route or a street or highway designated as part of an arterial system. (ORC 4511.01(CCC))

**301.05 AUTOCYCLE.**

“Autocycle” has the same meaning as in Ohio R.C. 4501.01. (ORC 4511.01(LLLL))

**301.06 BEACON.**

“Beacon” means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))

**301.07 BICYCLE.**

“Bicycle” means a pedal-powered vehicle upon which a human operator sits, including an electric bicycle. (ORC 4511.01(G))

**301.08 BICYCLE BOX.**

“Bicycle box” means a designated area on the approach to a signalized intersection, between an advance motorist stop line and the crosswalk or intersection, that is intended to provide bicyclists a visible location to wait in front of stopped motorists during the red signal phase. (ORC 4511.01(BBBB))

**301.09 BICYCLE LANE.**

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

- (a) A buffer-separated bicycle lane, which is separated from the adjacent general-purpose lanes by a pattern of standard longitudinal pavement markings that are wider than a normal or wide-lane pavement marking;
- (b) A counter-flow bicycle lane, which is a one directional bicycle lane that provides a lawful path of travel for bicycles in the opposite direction from the general traffic on a roadway that otherwise requires the general traffic to travel in only one direction. A counter-flow bicycle lane is designated by the traffic control devices used for other bicycle lanes;
- (c) A separated bicycle lane, which is an exclusive facility for bicyclists that is located within or directly adjacent to the roadway and is physically separated from the motor vehicle traffic with a vertical element.

(ORC 4511.01(DDDD))

**301.10 BICYCLE SIGNAL FACE.**

“Bicycle signal face” means a signal face that displays only bicycle symbol signal indications in accordance with Ohio R.C. 4511.15 that exclusively controls a bicyclist’s movement from a designated bicycle lane or from a separate facility, and that displays signal indications that are applicable only to a bicyclist’s movement. (ORC 4511.01(EEEE))

**301.11 BICYCLE SIGNAL SIGN.**

“Bicycle signal sign” means a sign meant to inform road users that the signal indications in the bicycle signal face are intended only for bicyclists, and to inform bicyclists which bicyclist movements are controlled by that bicycle signal face.  
(ORC 4511.01(FFFF))

**301.12 BIKEWAY.**

“Bikeway” means any road, street, path, or way that in some manner is specifically designated for bicycle travel, regardless of whether the facility is designated for the exclusive use of bicycles or if it is shared with other modes of transportation.  
(ORC 4511.01(GGGG))

**301.13 BUS.**

“Bus” means every motor vehicle designed for carrying more than nine passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ride-sharing arrangement, designed and used for the transportation of persons for compensation.  
(ORC 4511.01(L))

**301.14 BUSINESS DISTRICT.**

“Business district” means the territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where fifty percent (50%) or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where fifty percent (50%) or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.  
(ORC 4511.01(NN))

**301.15 BUSWAY.**

“Busway” means a traveled way that is used exclusively by buses.  
(ORC 4511.01(HHHH))

**301.16 CAB-ENCLOSED MOTORCYCLE.**

“Cab-enclosed motorcycle” has the same meaning as in Ohio R.C. 4501.01.

**301.17 CHAUFFEURED LIMOUSINE.**

“Chauffeured limousine” means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. “Prearranged contract” means an agreement, made in advance of boarding, to provide transportation from a specific location in an chauffeured limousine. The term does not include any vehicle that is used exclusively in the business of funeral directing. (ORC 4511.01(LL))

**301.18 CHILD CARE CENTER.**

“Child care center” has the same meaning as set forth in Ohio R.C. 5104.01.  
(ORC 4511.01(FFF))

**301.19 COMMERCIAL TRACTOR.**

“Commercial tractor” means every motor vehicle having motive power designed or used for drawing other vehicles, and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both. (ORC 4511.01(I))

**301.20 CONTROLLED-ACCESS HIGHWAY.**

“Controlled-access highway” means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at certain points only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.  
(ORC 4511.01(CC))

**301.21 CROSSWALK.**

“Crosswalk” means:

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the center line;
- (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface, which might be supplemented by contrasting pavement texture, style, or color;
- (c) Notwithstanding subsections (a) and (b) of this definition, the term does not include an area where local authorities have placed signs indicating no crossing.  
(ORC 4511.01(LL))

**301.22 DRIVER OR OPERATOR.**

“Driver” or “operator” means any person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

**301.23 DRIVEWAY.**

“Driveway” means an access from a roadway to a building, site, or abutting property.  
(ORC 4511.01(III))

**301.24 ELECTRIC BICYCLE.**

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

- (a) **CLASS 1 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.
- (b) **CLASS 2 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.
- (c) **CLASS 3 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.  
(ORC 4511.01(SSS) - (VVV))

**301.25 ELECTRONIC.**

"Electronic" has the same meaning as in Ohio R.C. 4501.01.

**301.26 EMERGENCY VEHICLE.**

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

**301.27 EXPLOSIVES.**

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in limited quantities of such nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb, or property by fire, friction, concussion, percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches. (ORC 4511.01(T))

**301.28 EXPRESSWAY.**

"Expressway" means a divided arterial street or highway for through traffic with full or partial control of access with an excess of fifty percent (50%) of all crossroads separated in grade. (ORC 4511.01(ZZ))

**301.29 FARM MACHINERY.**

"Farm machinery" has the same meaning as in Ohio R.C. 4501.01.

**301.30 FLAMMABLE LIQUID.**

"Flammable liquid" means any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device. (ORC 4511.01(U))

**301.31 FREEWAY.**

"Freeway" means a divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access. (ORC 4511.01(Y))

**301.32 FUNERAL ESCORT VEHICLE.**

"Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession. (ORC 4511.01(W))

**301.33 GROSS WEIGHT.**

"Gross weight" means the weight of a vehicle plus the weight of any load thereon. (ORC 4511.01(V))

**301.34 HIGHWAY MAINTENANCE VEHICLE.**

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

(ORC 4511.01(QQQ))

**301.35 HIGHWAY TRAFFIC SIGNAL.**

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

(ORC 4511.01(MMM))

**301.36 HYBRID BEACON.**

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

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

(ORC 4511.01(LLL))

**301.37 IN-ROAD WARNING LIGHT.**

“In-road warning light” means a special type of highway traffic signal that is installed in the roadway surface to warn road users that they are approaching a condition on or adjacent to the roadway that might not be readily apparent and might require the road users to reduce speed or come to a complete stop.

(ORC 4511.01(ZZZ))

**301.38 INTERSECTION.**

“Intersection” means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley, driveway, or site roadway open to public travel with a public roadway or highway does not constitute an intersection, unless the public roadway or highway at the junction is controlled by a traffic control device.
- (b) If a highway includes two roadways separated by a median, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection if the opposing left-turn paths cross and there is sufficient interior storage for the design vehicle. As used in this division, “design vehicle” means the longest vehicle authorized under Ohio R.C. 5577.05 to operate on that roadway without a permit.

- (c) At a location controlled by a highway traffic signal, regardless of the distance between the separate intersections as described in subsection (b) of this definition:
- (1) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.
  - (2) Where a stop line, yield line, or crosswalk is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.
  - (3) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk. (ORC 4511.01(KK))

**301.39 LANE-USE CONTROL SIGNAL.**

“Lane-use control signal” means a signal face or comparable display on a full-matrix changeable message sign that displays indications to permit or prohibit the use of specific lanes of a roadway or a shoulder where driving is sometimes authorized or to indicate the impending prohibition of such use.  
(ORC 4511.01(AAAA))

**301.40 LANED HIGHWAY.**

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

**301.41 LIMITED DRIVING PRIVILEGES.**

“Limited driving privileges” has the same meaning as in Ohio R.C. 4501.01.

**301.42 LOCAL AUTHORITIES.**

“Local authorities” means every county, municipal, and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.  
(ORC 4511.01(AA))

**301.43 LOW-SPEED MICROMOBILITY DEVICE.**

“Low-speed micromobility device” means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor.  
(ORC 4511.01(WWW))

**301.44 MEDIAN.**

“Median” means the portion of a highway separating opposing directions of the traveled way or the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way. The median excludes turn lanes. The width of a median may be different between intersections, interchanges, and at opposite approaches of the same intersection.  
(ORC 4511.01(NNN))

**301.45 MOTOR-DRIVEN CYCLE OR MOTOR SCOOTER.**

“Motor-driven cycle or motor scooter” has the same meaning as in Ohio R.C. 4501.01.

**301.46 MOTOR VEHICLE.**

“Motor vehicle” means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work, and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.  
(ORC 4511.01(B))

**301.47 MOTORCYCLE.**

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

**301.48 MOTORIZED BICYCLE OR MOPED.**

“Motorized bicycle” or “moped” means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than twenty miles per hour on a level surface. The terms do not include an electric bicycle.  
(ORC 4511.01(H))

**301.49 MOTORIZED WHEELCHAIR.**

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

**301.50 MULTI-WHEEL AGRICULTURAL TRACTOR.**

“Multi-wheel agricultural tractor” means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.  
(ORC 4511.01(GGG))

**301.51 NATURAL RESOURCES OFFICER.**

“Natural resources officer” means an officer appointed pursuant to Ohio R.C. 1501.24.  
(ORC 4511.01(XXX))

**301.52 OPERATE.**

“Operator” means to cause or have caused movement of a vehicle.  
(ORC 4511.01(HHH))

**301.53 PARKED OR PARKING.**

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

**301.54 PEDESTRIAN.**

"Pedestrian" means any person on foot, in a motorized or non-motorized wheelchair, or using another equivalent device, such as skates or a skateboard. The term includes a personal delivery device as defined in Ohio R.C. 4511.513 unless the context clearly suggests otherwise. (ORC 4511.01(X))

**301.55 PERSON.**

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

**301.56 POLE TRAILER.**

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

**301.57 POLICE OFFICER.**

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

**301.58 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.**

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

- (a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;
- (b) A violation of Ohio R.C. 4511.17(A)(2), 4511.51(A) through (D), or 4511.74(A);
- (c) A violation of any provision of Ohio R.C. 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
- (d) A violation of Ohio R.C. 4511.214;
- (e) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in subsection (a), (b), (c) or (d) of this definition.

(ORC 4511.01(III))

**301.59 PRIVATE ROAD.**

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

**301.60 PUBLIC SAFETY VEHICLE.**

“Public safety vehicle” means any of the following:

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

**301.61 RAILROAD.**

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

**301.62 RAILROAD SIGN OR SIGNAL.**

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

**301.63 RESIDENCE DISTRICT.**

“Residence district” means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.  
(ORC 4511.01(OO))

**301.64 RIDESHARING ARRANGEMENT.**

“Ridesharing arrangement” includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes arrangements known as carpools, vanpools, and buspools.  
(ORC 4511.01(DDD))

**301.65 RIGHT-OF-WAY.**

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

- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;
- (b) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, “right-of-way” includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.  
(ORC 4511.01(UU))

**301.66 ROAD SERVICE VEHICLE.**

“Road service vehicle” means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. (ORC 4511.01(JJJ))

**301.67 ROADWAY.**

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel and parking lanes, not including the berm, sidewalk, or shoulder, even if the berm, sidewalk, or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a highway includes two or more separate roadways, the term means any such roadway separately but not all such roadways collectively.  
(ORC 4511.01(EE))

**301.68 ROUNDABOUT.**

“Roundabout” means a circular intersection with a yield control at each entry, which permits a vehicle on the circulatory roadway to proceed, with deflection of the approaching vehicles counter-clockwise around a central island.  
(ORC 4511.01(JJJJ))

**301.69 RURAL MAIL DELIVERY VEHICLE.**

“Rural mail delivery vehicle” means every vehicle used to deliver United States mail on a rural mail delivery route.  
(ORC 4511.01(VV))

**301.70 SAFETY ZONE.**

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

**301.71 SCHOOL BUS.**

“School bus” means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function. The term does not include any of the following:

- (a) A bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function;
- (b) A van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time;
- (c) An alternative vehicle as defined in Ohio R.C. 4511.76.  
(ORC 4511.01(F))

### **301.72 SEMITRAILER.**

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

### **301.73 SHARED-USE PATH.**

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

### **301.74 SHOULDER.**

“Shoulder” means a longitudinal area contiguous with the traveled way that is used for accommodating vehicles that are stopped for an emergency and for lateral support of base and surface courses; graded for emergency stopping; either paved or unpaved; and when paved, may be open for parttime travel by some or all vehicles or may also be available for use by pedestrians or bicycles in the absence of other pedestrian or bicycle facilities.  
(ORC 4511.01(KKKK))

### **301.75 SIDEWALK.**

“Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines or easements of private property, that is paved or improved, and is intended for the use of pedestrians.  
(ORC 4511.01(FF))

### **301.76 SITE ROADWAY OPEN TO PUBLIC TRAVEL.**

“Site roadway open to public travel” means a roadway or bikeway on site of a shopping center, office park, airport, school, university, sports arena, recreational park, or other similar business, government, or recreation facility that is publicly or privately owned but where the public is allowed to travel without full-time access restrictions. The term does not include a roadway where access is restricted at all times by gates or guards to residents, employees, or other specifically authorized persons, a parking area, a driving aisle within a parking area, or a private highway-rail grade crossing.  
(ORC 4511.01(OOO))

**301.77 STANDING.**

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

**301.78 STATE.**

“State” has the same meaning as in Ohio R.C. 4501.01.

**301.79 STATE HIGHWAY.**

“State highway” means a highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in Ohio R.C. 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by Ohio R.C. 4511.01 through 4511.79 and 4511.99.  
(ORC 4511.01(II))

**301.80 STATE ROUTE.**

“State route” means every highway which is designated with an official state route number and so marked. (ORC 4511.01(JJ))

**301.81 STOP.**

“Stop” when required, means a complete cessation of movement.

**301.82 STOP INTERSECTION.**

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

**301.83 STOPPING.**

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

**301.84 STREET OR HIGHWAY.**

“Street or highway” means a general term for denoting a public way for purposes of travel by vehicles and vulnerable road users, including the entire area within the right-of-way.  
(ORC 4511.01(BB))

**301.85 THROUGH HIGHWAY.**

“Through highway” means every street or highway as provided in Ohio R.C. 4511.65, or a substantially equivalent municipal ordinance.  
(ORC 4511.01(HH))

**301.86 THRUWAY.**

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

**301.87 TRAFFIC.**

“Traffic” means pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or site roadway open to public travel.  
(ORC 4511.01(TT))

**301.88 TRAFFIC CONTROL DEVICE.**

“Traffic control device” means a flagger, sign, signal, marking, channelization device, or other device that uses colors, shapes, symbols, words, sounds, or tactile information for the primary purpose of communicating a regulatory, warning, or guidance message to road users on a street, highway, site roadway open to public travel, pedestrian facility, bikeway, or pathway. (ORC 4511.01(QQ))

**301.89 TRAFFIC CONTROL SIGNAL.**

“Traffic control signal” means a highway traffic signal placed at an intersection, movable bridge, fire station, mid-block crosswalk, alternating one-way sections of a single lane road, private driveway, or other location that requires conflicting traffic to be directed to stop and permitted to proceed in an orderly manner. The term includes a vehicular signal indication, a pedestrian signal indication, and a bicycle symbol signal indication. The term does not include an emergency-vehicle hybrid beacon or a pedestrian hybrid beacon. (ORC 4511.01(RR))

**301.90 TRAILER.**

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

**301.91 TRAIN.**

“Train” means one or more locomotives coupled, with or without cars, that operates on rails or tracks and to which all other traffic is required by law to yield the right-of-way at highway-rail grade crossings. (ORC 4511.01(Q))

**301.92 TRUCK.**

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

**301.93 TWO-STAGE BICYCLE TURN BOX.**

“Two-stage bicycle turn box” means a designated area at an intersection that is intended to provide bicyclists a place to wait for traffic to clear before proceeding in a different direction of travel. (ORC 4511.01(CCCC))

**301.94 TYPE A FAMILY CHILD CARE HOME.**

“Type A family child care home” has the same meaning as set forth in Ohio R.C. 5104.01.

**301.95 URBAN DISTRICT.**

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

**301.96 VEHICLE.**

“Vehicle” means every device, including a bicycle, motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway. The term does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in Ohio R.C. 4511.513, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device that is moved by human power.  
(ORC 4511.01(A))

**301.97 WASTE COLLECTION VEHICLE.**

“Waste collection vehicle” means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.  
(ORC 4511.01(RRR))

**301.98 WILDLIFE OFFICER.**

“Wildlife officer” means an officer designated pursuant to Ohio R.C. 1531.13.  
(ORC 4511.01(YYY))

**CHAPTER 305  
Traffic Control**

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| <p><b>305.01</b> Division of Traffic Engineering and Safety created.</p> <p><b>305.02</b> Authority and considerations for placement of devices.</p> <p><b>305.03</b> Conformity with State Manual.</p> <p><b>305.04</b> Powers of City Manager.</p> <p><b>305.05</b> Posting of signs and signals required.</p> <p><b>305.06</b> City Manager's powers not limited.</p> | <p><b>305.07</b> Records of City Manager.</p> <p><b>305.08</b> Reservation of power to Council.</p> <p><b>305.09</b> Violations subject to general misdemeanor classification.</p> <p><b>305.10</b> Traffic Control Map.</p> <p><b>305.11</b> Traffic Control File.</p> <p><b>305.12</b> Amendments.</p> |
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**CROSS REFERENCES**

See sectional history for similar State law  
 Power to designate highway as included in a freeway, expressway or thruway - see Ohio R.C. 4511.011  
 Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11(D)  
 Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11  
 Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(A), 4511.23  
 Power to erect stop signs at grade crossings - see Ohio R.C. 4511.61  
 Designation of through streets and erection of stop or yield signs - see Ohio R.C. 4511.65; TRAF. 313.02  
 Traffic control devices defined - see TRAF. 301.88

**305.01 DIVISION OF TRAFFIC ENGINEERING AND SAFETY  
CREATED.**

Pursuant to Ohio R.C. 737.021 and 737.022, a Division of Traffic Engineering and Safety is hereby created, and the City Manager shall be the executive head of such Division.

**305.02 AUTHORITY AND CONSIDERATIONS FOR PLACEMENT OF  
DEVICES.**

The City Manager is hereby authorized to place and maintain traffic control devices upon any street or highway under his jurisdiction as are necessary to effectuate the provisions of this Traffic Code, or to regulate, warn or guide traffic, and such other traffic control devices as he shall deem necessary for the proper control of traffic. The City Manager shall determine the location, time and coordination of such traffic control devices upon the basis of an applicable engineering or traffic investigation and shall consider the following:

- (a) The maximum safety and protection of vehicular and pedestrian traffic from physical injury or property damage.
- (b) The existing and potential traffic movement, volume and conditions.
- (c) The location and frequency of accidents, including studies or remedial measures.
- (d) The recommendations of the Police and Fire Chiefs.
- (e) The acceleration of transportation of persons and property by vehicles so as to expedite travel and promote public safety.
- (f) The convenience and welfare of the general public in parking, standing, loading and unloading, and the use of the streets as affecting business concerns and places of assembly.
- (g) Economy in the expenditure of money.

### **305.03 CONFORMITY WITH STATE MANUAL.**

All traffic control devices placed pursuant to the provisions of this Traffic Code shall conform to the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways, as set forth in Ohio R.C. 4511.09.

### **305.04 POWERS OF CITY MANAGER.**

The City Manager is hereby empowered to:

- (a) Designate any street or highway as a through street or highway and require that all vehicles stop or yield the right of way as may be required before entering the same.
- (b) Designate any intersection as a stop intersection and require all vehicles to stop at one or more entrances to such intersection.
- (c) Designate any intersection as a yield intersection and require all vehicles to yield the right of way as required.
- (d) Designate any street as a one-way street and require that all vehicles thereon be moved in one specific direction.
- (e) Designate and mark lanes to be used by traffic moving in a particular direction regardless of the center line of the roadway.
- (f) Erect signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction.
- (g) Designate those portion of any street, where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous, by appropriate signs or markings on the street to indicate the beginning and end of such zones. Such zones may be marked by an auxiliary yellow line placed parallel and to the right of the normal center line or offset marked lane line.
- (h) Place markers, buttons or signs within or adjacent to intersections and require that a specific course of direction be traveled by vehicles proceeding in lanes by either permitting, prohibiting or requiring turns at such intersections.
- (i) Install traffic control devices, signals and signs at any location to regulate traffic.
- (j) Establish safety zones, crosswalks, zones of quiet and play streets.

**CHAPTER 313**  
**Traffic Control Devices**

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| <p>313.01 Obedience to traffic control devices.</p> <p>313.02 Through highways; stop and yield right-of-way signs.</p> <p>313.03 Traffic signal indications.</p> <p>313.04 Lane-use control signal indications.</p> <p>313.05 Special pedestrian control signals.</p> <p>313.06 Flashing traffic signals. (Repealed)</p> | <p>313.07 Unauthorized signs and signals, hiding from view, advertising.</p> <p>313.08 Alteration, injury, removal of traffic control devices.</p> <p>313.09 Driver's duties upon approaching ambiguous or non-working traffic signal.</p> <p>313.10 Unlawful purchase, possession or sale.</p> <p>313.11 Portable signal preemption devices prohibited.</p> <p>313.12 Bicycle symbol signal indications.</p> |
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**CROSS REFERENCES**

See sectional histories for similar State law

Designation of through streets or stop intersections - see Ohio R.C. 4511.07(F), 4511.65

Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11(D)

Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11

Traffic control devices defined - TRAF. 301.88

**313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.**

(a) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer.

No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.12)

**313.02 THROUGH HIGHWAYS; STOP AND YIELD RIGHT-OF-WAY SIGNS.**

(a) All State routes are hereby designated as through highways, provided that stop signs, yield signs or highway traffic signals shall be erected at all intersections with such through highways by the Department of Transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more State routes that are through highways intersect and no highway traffic signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation or by local authorities having jurisdiction, except as otherwise provided in this section.

Whenever the Ohio Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under the Director's jurisdiction. Before the Director either installs or removes a stop sign under this paragraph, the Director shall give notice, in writing, of that proposed action to the Municipality at least thirty days before installing or removing the stop sign.

(b) Other streets or highways, or portions thereof, are hereby designated through highways, if they are within the Municipality, if they have a continuous length of more than one mile between the limits of such street or highway or portion thereof, and if they have "stop" or "yield" signs or highway traffic signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of such street or highway, or portion thereof, shall be a municipal corporation line, the physical terminus of the street or highway or any point on the streets or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided that in residence districts the Municipality may by ordinance designate such street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic control devices. Where two or more streets or highways designated under this subsection (b) intersect and no highway traffic signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation or by Council or the authorized local authority, except as otherwise provided in this section.

(c) Stop signs need not be erected at intersections so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right of way to or merge with all traffic proceeding on the through highway.

(d) Council or the authorized local authority may designate additional through highways and shall erect stop signs, yield signs or highway traffic signals at all streets and highways intersecting such through highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one or more entrances to such intersection.  
(ORC 4511.65)

**313.03 TRAFFIC SIGNAL INDICATIONS.**

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

(a) Steady Green Signal Indication:

- (1) A. Vehicular traffic facing a circular green signal indication is permitted to proceed straight through or turn right or left, or make a u-turn movement except as such movement is modified by a lane-use sign, turn prohibition sign, lane marking, roadway design,

- separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
1. Pedestrians lawfully within an associated crosswalk;
  2. Other vehicles lawfully within the intersection.
- B. In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
- (2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
- A. Pedestrians lawfully within an associated crosswalk.
  - B. Other traffic lawfully using the intersection.
- (3) A. Unless otherwise directed by a pedestrian signal indication, as provided in Section 313.05, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.
- B. Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.
- (b) Steady Yellow Signal Indication:
- (1) Vehicular traffic facing a steady circular yellow signal indication is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.
  - (2) Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.
  - (3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 or other traffic control device, shall not start to cross the roadway.
- (c) Steady Red Signal Indication:
- (1) A. Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the

- crosswalk on the near side of the intersection; or if there is no crosswalk, before then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in subsections (c)(1), (2) and (3) of this section.
- B. Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.
- (2) A. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.
- B. When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow, and shall be subject to the provisions that are applicable after making a stop at a stop sign.
- (3) Unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.
- (4) Local authorities by ordinance, or the Director of Transportation on State highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.
- (d) Flashing Green Signal Indication. A flashing green signal indication has no meaning and shall not be used.
- (e) Flashing Yellow Signal Indication:
- (1) A. Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
1. Pedestrians lawfully within an associated crosswalk;
  2. Other vehicles lawfully within the intersection.
- B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

- (2) A. Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:
  - 1. Pedestrians lawfully within an associated crosswalk;
  - 2. Other vehicles lawfully within the intersection.
- B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
- (3) Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.
- (4) When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.
- (f) Flashing Red Signal Indication:
  - (1) Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.
  - (2) Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.
  - (3) When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

- (g) General Application: In the event an official highway traffic signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
- (h) Exception. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Ohio R.C. 4511.61 and 4511.62. (ORC 4511.13)

#### 313.04 LANE-USE CONTROL SIGNAL INDICATIONS.

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

- (1) A steady downward green arrow means that the lane over which the arrow signal indication is located is open to vehicle travel in that direction.
- (2) A steady yellow "X" means that the lane over which the signal indication is located is about to be closed to vehicle traffic in that direction and will be followed by a steady red "X" signal indication, either within the same signal face or in a downstream signal face.
- (3) A steady white two-way left-turn arrow means that the lane over which the signal indication is located is open to traffic making a left turn from either direction of travel, but not for through travel.
- (4) A steady white one-way left-turn arrow means that the lane over which the signal indication is located is open to traffic making a left turn in that direction, without opposing turns in the same lane, but not for through travel.
- (5) A steady red "X" means that the lane over which the signal indication is located is closed to vehicle traffic in the direction viewed by the road user. (ORC 4511.131)

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.99)

#### 313.05 SPECIAL PEDESTRIAN CONTROL SIGNALS.

(a) Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk", or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:

- (1) A steady walking person signal indication, which symbolizes "walk", means that a pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the walking person signal indication is first shown.

- (2) Except as otherwise provided in this subsection, whoever violates subsection (a)(2) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the third degree.  
(ORC 4511.17)

### **313.09 DRIVER'S DUTIES UPON APPROACHING AMBIGUOUS OR NON-WORKING TRAFFIC SIGNAL.**

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

- (1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
- (2) Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
- (3) Exercise ordinary care while proceeding through the intersection.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.  
(ORC 4511.132)

### **313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.**

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

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

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

- (3) For the purpose of demonstrating the design and function of a traffic control device to State or local officials;
- (4) When the traffic control device has been purchased from the State or a local authority at a sale of property that is no longer needed or is unfit for use;
- (5) The traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

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

(d) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.18)

### **313.11 PORTABLE SIGNAL PREEMPTION DEVICES PROHIBITED.**

(a) As used in this section:

- (1) **HIGHWAY MAINTENANCE VEHICLE.** A vehicle used in snow and ice removal, including a snow plow, when it is owned by a political subdivision and operated by an employee of that political subdivision.
- (2) **PEACE OFFICER.** Has the same meaning as in Ohio R.C. 109.71(A)(1), (A)(12), (A)(14), and (A)(19).
- (3) **PORTABLE SIGNAL PREEMPTION DEVICE.** A device that, if activated by a person, is capable of changing a highway traffic signal to green out of sequence.
- (4) **PUBLIC SAFETY VEHICLE.** Has the same meaning as in Ohio R.C. 4511.01(E)(1), (E)(3), and (E)(4).

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

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

(c) Subsection (b)(1) of this section does not apply to any of the following persons:

- (1) A peace officer;
- (2) A state highway patrol trooper;
- (3) A person while occupying a public safety vehicle;
- (4) The authorized employee operator of a highway maintenance vehicle.

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

- (1) When a person listed in subsections (c)(1) to (c)(3) of this section is responding to an emergency call;
- (2) When a person listed in subsection (c)(4) of this section is responding to an emergency level two or level three weather event.

(e) Whoever violates subsection (b)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (b)(2) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.031)

**313.12 BICYCLE SYMBOL SIGNAL INDICATIONS.**

Bicycle symbol signal indications have the following meanings:

- (a) A steady green bicycle signal indication means that bicyclists are permitted to enter the intersection only to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face. Bicyclists proceeding into the intersection during the display of the indication shall yield the right-of-way to both of the following:
    - (1) Pedestrians lawfully within an associated crosswalk;
    - (2) Other vehicles lawfully within the intersection.
  - (b) A steady yellow bicycle signal indication means that bicyclists are warned that the related green movement is being terminated and that a steady red bicycle signal indication will be displayed immediately thereafter when bicyclists shall not enter the intersection. The provisions governing bicyclist operations under the movement being terminated continue to apply while the steady yellow bicycle signal indication is displayed.
  - (c)
    - (1) A steady red bicycle signal indication means that bicyclists shall not enter the intersection to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face. Unless the bicyclist is entering the intersection to make another movement permitted by another bicycle symbol signal indication, the bicyclist shall stop at a clearly marked stop line; but if there is no stop line, shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, shall stop before entering the intersection; and shall remain stopped until a green bicycle signal indication to proceed is displayed.
    - (2) Except when a traffic control device is in place prohibiting a turn on red, bicyclists facing a steady red bicycle signal indication are permitted to enter the intersection to turn right if there are no approach lanes for motor vehicle traffic to their right. The right to proceed with the turn is subject to the provisions that are applicable after making a stop at a stop sign.
  - (d) A flashing green bicycle signal indication and a flashing yellow bicycle signal indication have no meaning and shall not be used.
  - (e) A flashing red bicycle signal indication means that bicyclists shall stop at a clearly marked stop line; but if there is no stop line, shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, shall stop at the point nearest the intersecting roadway where the bicyclists have a view of approaching traffic on that roadway before entering the intersection. The right to make the movement indicated by the lane-use arrow displayed on the bicycle signal sign that is located immediately adjacent to the bicycle signal face is subject to the provisions that are applicable after making a stop at a stop sign.
- (ORC 4511.15)

### TITLE FIVE - Vehicles

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

### CHAPTER 331 Operation Generally

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| 331.01 Driving upon right side of roadway; exceptions.                            | 331.22 Driving onto roadway from place other than roadway: duty to yield.                             |
| 331.02 Passing to right when proceeding in opposite directions.                   | 331.23 Driving onto roadway from place other than roadway; stopping at sidewalk.                      |
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| 331.16 Right of way at intersections.   | 331.37 Driving upon sidewalks, street lawns or curbs.   |
| 331.17 Right of way when turning left.  | 331.38 Stopping for school bus; discharging children.   |
| 331.18 Operation of vehicle at yield signs.                                       | 331.381 School bus operator to report violations.   |
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| <p>331.39 Driving across grade crossing.</p> <p>331.40 Stopping at grade crossing.</p> <p>331.401 Slow-moving vehicles or equipment crossing railroad tracks.</p> <p>331.41 Shortcutting; avoiding traffic control devices.</p> <p>331.42 Littering from motor vehicle.</p> | <p>331.43 Wearing earplugs or earphones prohibited.</p> <p>331.44 Vehicular operation on street closed due to rise in water level.</p> <p>331.45 Operation of golf carts on certain streets.</p> <p>331.46 Restrictions on the operation of school buses.</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.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.  
(ORC 4511.73)

### **331.29 DRIVING THROUGH SAFETY ZONE.**

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.  
(ORC 4511.60)

### **331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.**

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.  
(ORC 4511.32)

### **331.31 DRIVING UPON DIVIDED ROADWAYS.**

(a) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

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

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

(ORC 4511.35)

### **331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.**

(a) No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

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

### **331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.**

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

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

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

(ORC 4511.712)

### **331.34 FAILURE TO CONTROL; WEAVING; FULL TIME AND ATTENTION.**

(a) No person shall operate a vehicle without exercising reasonable and ordinary control over such vehicle.

(b) No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(c) No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.

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

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

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

- (b) (1) Subsection (a) of this section does not apply to a fifth wheel trailer when both of the following apply:
- A. Any child riding in the fifth wheel trailer is properly secured in the manner provided in Ohio R.C. 4511.81.
  - B. The operator of the vehicle towing the fifth wheel trailer has some means of viable communication with the passengers riding in the trailer.
- (2) As used in this section, "viable communication" includes a cellular or satellite telephone, a radio or any other similar electronic wireless communications device.

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

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

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

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

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

**331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.**

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

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

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

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

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

### **331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.**

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

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

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

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

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

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

(f) As used in this section:

(1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.

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

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

(2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

### 331.381 SCHOOL BUS OPERATOR TO REPORT VIOLATIONS.

(a) Definition. As used in this section, "license plate" includes, but is not limited to, any temporary motor vehicle license registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.

(b) Report by School Bus Driver. When the operator of a school bus believes that a motorist has violated Section 331.38(a), the operator shall report the license plate number and a general description of the vehicle and of the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred. The information contained in the report relating to the license plate number and to the general description of the vehicle and the operator of the vehicle at the time of the alleged violation may be supplied by any person with first-hand knowledge of the information. Information of which the operator of the school bus has first-hand knowledge also may be corroborated by any other person.

(c) Investigation. Upon receipt of the report of the alleged violation of Section 331.38(a), the law enforcement agency shall conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation. If the identity of the operator at the time of the alleged violation is established, the reporting of the license plate number of the vehicle shall establish probable cause for the law enforcement agency to issue a citation for the violation of Section 331.38(a). However, if the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency shall issue a warning to the owner of the vehicle at the time of the alleged violation, except in the case of a leased or rented vehicle when the warning shall be issued to the lessee at the time of the alleged violation. (ORC 4511.751)

### 331.39 DRIVING ACROSS GRADE CROSSING.

- (a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:
- A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.
  - B. A crossing gate is lowered.
  - C. A flagperson gives or continues to give a signal of the approach or passage of a train or other on-track equipment.
  - D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or trains, notwithstanding any highway traffic signal indication to proceed.
  - E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
  - F. There is insufficient undercarriage clearance to safely negotiate the crossing.
  - G. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other on-track equipment.
  - H. Approaching on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
- (2) A. A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in subsections (a)(1)A. to F. of this section exist at the crossing.
- B. A person who is driving a vehicle and who approaches a railroad grade crossing shall not recklessly proceed as long as any of the circumstances described in subsections (a)(1)G. or H. of this section exist at the crossing.

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

- (c) (1) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

- (2) In lieu of a fine or jail term for a violation of this section, a court may instead order the offender to attend and successfully complete a remedial safety training or presentation regarding rail safety that is offered by an authorized and qualified organization that is selected by the court. The offender shall complete the presentation within a time frame determined by the court, not to exceed 180 days after the court issues the order. The offender shall notify the court of the successful completion of the presentation. When the offender notifies the court of the successful completion of the presentation, the court shall waive any fine or jail term that it otherwise would have imposed for a violation of this section.  
(ORC 4511.62)

### 331.40 STOPPING AT GRADE CROSSING.

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

investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

- (3) As used in this section:
- A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
  - B. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.
  - C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.
- (4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)
- (b) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.
- (2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.61)

### **331.401 SLOW-MOVING VEHICLES OR EQUIPMENT CROSSING RAILROAD TRACKS.**

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

- (1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person shall listen and look in both directions along such track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care.
- (2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a train or car or other on-track equipment.

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

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

(d) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991.  
(ORC 4511.64)

### **331.41 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.

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

**331.42 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.

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4511.82)

**331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.**

(a) As used in this section:

(1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:

- A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
- B. Provides hearing protection.

"Earphones" does not include speakers or other listening devices that are built into protective headgear.

(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:

- A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
- B. Provides hearing protection.

(b) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.

(c) This section does not apply to:

- (1) Any person wearing a hearing aid;
- (2) Law enforcement personnel while on duty;
- (3) Fire Department 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 highway;
- (5) Any person engaged in the operation of refuse collection equipment;
- (6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

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

### 331.44 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.)

### 331.45 OPERATION OF GOLF CARTS ON CERTAIN STREETS.

(a) Council does hereby authorize the operation of golf carts on certain City streets in limited circumstances and subject to the rules, regulations and restrictions contained herein.

(b) Council does hereby adopt the rules set forth herein to regulate the operation of golf carts within the City limits and in no circumstances other than simply for crossing purposes shall such a vehicle be operated on any street which has a speed limit greater than 25 miles per hour.

(c) Definitions.

- (1) "Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01(A).
- (2) "Motor Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01(B).
- (3) "Operator" has the same meaning as set forth in Ohio R.C. 4501.01(X).
- (4) "Golf cart" is a motor vehicle as that term is defined under Ohio R.C. 4501.01(B).

(d) Inspection of Golf Carts.

- (1) No person shall operate a golf cart on the streets within the City of Newton Falls unless the golf cart has been inspected by the Chief of Police or his designee for compliance with the State of Ohio's statutory requirements that are applicable to motor vehicles.
- (2) If the Chief of Police or his designee determines that the golf cart complies with the State's statutory requirements, the Chief of Police or his designee shall issue a Certificate of Inspection which the owner may present to the Clerk of Courts together with other required ownership/title evidence in order to obtain a motor vehicle certificate of title. The owner may then present the certificate of title to the deputy Registrar to purchase registration and license plates.
- (3) Proof of liability insurance comparable to that required for automobiles is required to operate a golf cart on the streets within the City of Newton Falls.

(e) Usage and Restriction.

- (1) No golf carts shall be permitted to travel on any streets in the City of Newton Falls where the speed limit is greater than 25 miles per hour. Golf carts will be permitted to cross intersections with higher speeds, so long as they continue upon a street having a speed limit of 25 miles per hour or less.
- (2) No person shall operate a golf cart on a public sidewalk or other leisure path.
- (3) The operator of a golf cart on the streets in the City of Newton Falls shall be required to follow all traffic regulations.

(f) Penalty. Whoever violates this chapter is guilty of a minor misdemeanor on the first offense and for each subsequent offense the person is guilty of a misdemeanor of the fourth degree. (Ord. 2018-14. Passed 9-4-18.)

**331.46 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.**

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

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

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

3. Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.
  - B. No person under twenty-one years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4) hereof.
- (3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:
  - A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
  - B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
- (e) Evidence: Tests.
  - (1) A. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.
  - B. In any criminal prosecution for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is

obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath, oral fluid, or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this subsection (d)(1)B. shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

- C. As used in subsection (e)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.
- (2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense that is vehicle related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.
- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to

any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of Ohio R.C. 4511.191, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of Ohio R.C. 4511.191, the form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

- (4) A. As used in subsections (e)(4)B. and C. of this section, "national highway traffic safety administration" means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.
- B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, oral fluid, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:
1. The officer may testify concerning the results of the field sobriety test so administered.
  2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
  3. If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.
- C. Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section. (ORC 4511.19; 4511.194)

(f) Forensic Laboratory Reports.

- (1) Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:
- A. The signature, under oath, of any person who performed the analysis;
  - B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;
  - C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;
  - D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.
- (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (f)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.
- (3) A report of the type described in subsection (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(g) Immunity From Liability For Withdrawing Blood. Except as otherwise provided in this subsection, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this

As an alternative to the mandatory jail term of sixty consecutive days required by subsection (h)(1)C.2. of this section, the court, under this subsection, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

- (4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Ohio R.C. 4503.231.
- (5) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.
- (6) In all cases in which an offender is sentenced under subsection (h) of this section, 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, the court, in addition to any other penalties provided by law, may order restitution pursuant to Ohio R.C. 2929.18 or 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 subsection (h) of this section.
- (7) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:
  - A. The offender is convicted of or pleads guilty to a violation of subsection (a) of this section.
  - B. The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.
  - C. The test or tests indicated that the offender had one of the following at the time of the offense:
    1. A prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine;
    2. A drug of abuse or a metabolite of a drug of abuse in the offender's oral fluid.

- (8) A court may warn any person who is convicted of or who pleads guilty to a violation of subsection (a) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under Ohio R.C. 2903.06. The court may warn the person of the applicable penalties for that violation under Ohio R.C. 2903.06 and 2929.142.
- (9) As used in subsection (h) of this section, "electronic monitoring", "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in Ohio R.C. 2929.01.

(i) Vehicle Operation After Underage Alcohol Consumption Penalty. Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

- (1) Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022. If the court grants unlimited driving privileges under Ohio R.C. 4510.022, the court shall suspend any jail term imposed under subsection (i)(1) of this section as required under that section.
- (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.
- (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 violation of subsection (b) of this section.  
(ORC 4511.19)

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

### **333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.**

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

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

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

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

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

### **333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.**

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

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

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

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

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

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

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

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

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.21. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
  - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
  - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
  - (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
  - (6) Fifteen miles per hour on all alleys within the Municipality;
  - (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
  - (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
  - (9) Sixty-five miles per hour on all rural expressways without traffic control signals;
  - (10) Seventy miles per hour on all rural freeways;

- (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
- (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas. (A.O.)
- (13) Fifteen miles per hour on all streets located in the Bradbury Development. (Ord. 3141. Passed 5-2-77.)
- (14) Twenty-five miles per hour on North and South Canal Street, First Street, and Arlington Rd., from Warren Rd., to the City limits. (Ord. 3451. Passed 4-21-80.)
- (15) The speed limits on Braceville-Robinson Road shall be 35 m.p.h., from the City limits (Route 5) South to a spot 50 feet North of the gate entrance to the Newton Falls Industrial Park (Rockwell Building).
- (16) The speed limit on Braceville-Robinson Road shall be 25 m.p.h., from a spot 50 feet North of the gate entrance to the Newton Falls Industrial Park to Main Street. (Ord. 3877. Passed 4-1-85.)
- (17) Ten miles per hour on the 100 through 1000 blocks of Newton Drive, also known as "loops" and Trumbull Court and Mahoning Court. The speed limit in the remaining portion of Newton Drive, i.e., the straight away section of Newton Drive, shall be twenty-five miles per hour. (Ord 88-8. Passed 5-16-88.)
- (18) The maximum speed permitted on Ridgeway Place shall be 10 mph. (Ord. 94-2. Passed 2-21-94.)
- (19) The speed limit on First Street shall be 35 m.p.h. from the City limits (Route 5) South to Main Street. (Ord. 99-13. Passed 9-20-99.)
- (20) The speed limit within all City parks, playgrounds and City owned driveways and parking lots shall be 10 miles per hour. (Ord. 2000-15. Passed 6-5-00.)

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

- (d) No person shall operate a motor vehicle upon a street or highway as follows:
- (1) At a speed exceeding fifty-five miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;
  - (2) At a speed exceeding sixty miles per hour upon a highway as provided in subsection (b)(8) hereof;
  - (3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in subsection (b)(9) hereof, or upon a freeway as provided in subsection (b)(12) of this section, except upon a freeway as provided in subsection (b)(10) hereof;
  - (4) At a speed exceeding seventy miles per hour upon a freeway as provided in subsection (b)(10) hereof;
  - (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

- (2) DOUGHNUT. A maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.
- (3) DRIFTING. A maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.
- (4) STREET RACING. The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Ohio R.C. 4511.21(B)(1)(a) to (B)(9) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.
- (5) STREET TAKEOVER. Blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.
- (6) STUNT DRIVING. Performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.
- (7) WHEELIE. A maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(b) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway, or on private property that is open to the general public.

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon. (ORC 4511.251)

### **333.08 OPERATION WITHOUT REASONABLE CONTROL.**

(a) No person shall operate a motor vehicle on any street, highway or property open to the public for vehicular traffic without being in reasonable control of the vehicle.

(b) Whoever violates this section is guilty of operating a motor vehicle without being in control of it, a minor misdemeanor. (ORC 4511.202)

**333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.**

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

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

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

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

**333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.**

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

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

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

**333.11 ELECTRONIC WIRELESS COMMUNICATION DEVICE USE PROHIBITED WHILE DRIVING.**

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

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

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

- (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
  - (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.
- (c)
- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
  - (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) As used in this section, "electronic wireless communications device" includes any of the following:

- (1) A wireless telephone;
- (2) A personal digital assistant;
- (3) A computer, including a laptop computer and a computer tablet;
- (4) A text-messaging device;
- (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.  
(ORC 4511.205)

### 335.04 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
  - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
  - (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
  - (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

### 335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

- (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.
- (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
- (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.
- (4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.
- (5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

(b) Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (a)(1), (2), (3), (4) or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (a)(1), (2), (3), (4) or (5) of this section if any of the following applies:

- (1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.
- (2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.
- (3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

- (g) (1) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:
- A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
  - B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
  - C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.
- (2) An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.
- (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)

(i) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.  
(ORC 4510.04)

**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.

(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)(1) to (d)(3) 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)(1) to (d)(3) 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)

(f) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (ORC 4510.04)

### **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)

(d) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (ORC 4510.04)

### **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, 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)

(d) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.  
(ORC 4510.04)

### **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;

- (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
- (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
- (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both.  
(ORC 4505.18)

### **335.09 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.**

- (a)
  - (1) Subject to Ohio R.C. 4503.211, no person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However a commercial tractor shall display the license plate on the front of the commercial tractor.
  - (2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.
  - (3) Subject to Ohio R.C. 4503.211, no person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.
  - (4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.  
(ORC 4503.21(A))
- (b)
  - (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
  - (2) The offenses established under subsection (a) of this section are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4503.21(B), (C))

- A. It is a "vehicle safety technology" as defined in 49 C.F.R. §393.5 and complies with 49 C.F.R. §393.60(e)(1)(ii).
  - B. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals, and it does not conceal the vehicle identification number.
- (3) Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if either of the following apply to the device:
- A. It is a "vehicle safety technology" as defined in 49 C.F.R. §393.5 and complies with 49 C.F.R. §393.60(e)(1)(ii).
  - B. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals, and it is mounted not more than eight and one-half inches below the upper edge of the windshield.

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

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

### **337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.**

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

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

### **337.24 MOTOR VEHICLE STOP LIGHTS.**

- (a) (1) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.
- (2) Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.
- (3) When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.
- (4) A historical motor vehicle that was not originally manufactured with stop lights or a replica motor vehicle that replicates a motor vehicle that was not originally manufactured with stop lights is not subject to this section.

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

**337.25 AIR CLEANER REQUIRED.**

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

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

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

**337.26 CHILD RESTRAINT SYSTEM USAGE.**

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

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

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

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

(c) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight years of age but not older than fifteen years of age and who is not otherwise required by subsection (a), (b) or (c) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of subsection (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed.

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 a clinical nurse specialist or certified nurse practitioner licensed to practice in this State under Ohio R.C. Chapter 4723, or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) Whoever violates subsection (a), (b), (c) or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

- (1) Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.  
(ORC 4511.81)

**337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.**

- (a) As used in this section:
- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
  - (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
  - (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
  - (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
  - (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.
  - (6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.
- (b) No person shall do either of the following:
- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
  - (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
  - (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
  - (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.
- (c)
- (1) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat.
  - (2) Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.
  - (3) Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states the following:

- until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>.
- B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.
  - C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.
  - D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the sunscreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three per cent.
  - E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.
- (2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.
  - (3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.
  - (4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.
  - (5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.
  - (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)

- (b) Exemptions. The provisions of this section do not apply to:
- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;
  - (2) The windows to the rear of the driver in chauffeured limousines as defined herein;
  - (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and
  - (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>. (OAC 4501-41-05)
- (c) Definitions. As used in this section, certain terms are defined as follows:
- (1) "Motor vehicle" has the same meaning as specified in Section 301.46.
  - (2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
  - (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
  - (4) "Windshield" means the front exterior viewing device of a motor vehicle.
  - (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
  - (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.
  - (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)

**CHAPTER 341**  
**Commercial Drivers**

<p><b>341.01 Definitions.</b></p> <p><b>341.02 Exemptions.</b></p> <p><b>341.03 Prerequisites to operation of a commercial motor vehicle.</b></p>	<p><b>341.04 Prohibitions.</b></p> <p><b>341.05 Criminal offenses.</b></p> <p><b>341.06 Employment of drivers of commercial vehicles.</b></p>
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**CROSS REFERENCES**

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

**341.01 DEFINITIONS.**

As used in this chapter:

- (a) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:
  - (1) One hundred milliliters of whole blood, blood serum, or blood plasma;
  - (2) Two hundred ten liters of breath;
  - (3) One hundred milliliters of urine.
- (b) "Commercial driver's license" means a license issued in accordance with Ohio R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.
- (c) "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
  - (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
  - (2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;

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

TITLE SEVEN - Parking  
 Chap. 351. Parking Generally.  
 Chap. 352. Parking Ticket Bureau.

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**CHAPTER 351**  
**Parking Generally**

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|--------|--|--------|---|
| 351.01 | Police may remove unattended vehicle which obstructs traffic.                    | 351.08 | Opening vehicle door on traffic side.               |
| 351.02 | Registered owner prima-facie liable for unlawful parking.                        | 351.09 | Truck loading zones.                                |
| 351.03 | Prohibited standing or parking places.   | 351.10 | Bus stops and taxicab stands.                       |
| 351.04 | Parking near curb; hand-capped locations on public and private lots and garages. | 351.11 | Parking in alleys and narrow streets; exceptions.   |
| 351.05 | Manner of angle parking.   | 351.12 | Prohibition against parking on streets or highways. |
| 351.06 | Selling, washing or repairing vehicle upon roadway.                              | 351.13 | Parking on posted private property.                 |
| 351.07 | Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels.  | 351.14 | Designation of emergency parking ban.               |
|        |  | 351.15 | Parking restricted in C-1 and "C" Districts.        |
|        |  | 351.16 | Weight limit in residential areas.                  |

**CROSS REFERENCES**

See sectional histories for similar State law  
 Owner nonliability, lease defense - see Ohio R.C. 4511.071  
 Police may remove ignition key from unattended vehicle - see TRAF. 303.03  
 Parking near stopped fire apparatus - see TRAF. 331.27  
 Lights on parked or stopped vehicles - see TRAF. 337.09  
 Traffic Ticket Bureau - see TRAF. Ch. 352

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**351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.**

Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.  
 (ORC 4511.67)

**351.02 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.**

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

**351.03 PROHIBITED STANDING OR PARKING PLACES.**

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (1) On a sidewalk, including any area parallel to a public street or highway, designated as a sidewalk by yellow/orange/white parallel lines, cross-hatched, or a curb, street lawn area, except a bicycle;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty feet of a crosswalk at an intersection;
- (7) Within thirty feet of, and upon the approach to, any yield sign, stop sign or highway traffic signal;
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
- (9) Within fifty feet of the nearest rail of a railroad crossing;
- (10) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (14) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (15) Within one foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway or thruway. (ORC 4511.68)
- (17) A. A "devil strip", "street lawn area", "curb area", or "tree lawn area" is now referred to only as "devil strip". A "devil strip" is defined as the portion of streets, roads, and highways between the travelled and/or paved portion of such roadway extending to the furthest line of any existing sidewalk or within five feet from the edge of the travelled portion of the roadway where no sidewalk exists.

**TITLE NINE - Pedestrians, Bicycles and Motorcycles**

Chap. 371. Pedestrians.

Chap. 373. Bicycles and Motorcycles.

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

Chap. 377. Under-Speed, Low-Speed, and Utility Vehicles.

**CHAPTER 371  
Pedestrians**

- |        |  |        |  |
|--------|--|--------|--|
| 371.01 | Right of way in crosswalk.   | 371.09 | Walking on highway while under the influence.                      |
| 371.02 | Right of way of blind person.  | 371.10 | On bridges or railroad crossings.                                  |
| 371.03 | Crossing roadway outside crosswalk; diagonal crossings at intersections. | 371.11 | Persons operating motorized wheelchairs.                           |
| 371.04 | Moving upon right half of crosswalk.                                     | 371.12 | Electric personal assistive mobility devices.                      |
| 371.05 | Walking along highways.  | 371.13 | Operation of personal delivery device on sidewalks and crosswalks. |
| 371.06 | Use of highway for soliciting; riding on outside of vehicles.            | 371.14 | Low-speed micromobility devices.                                   |
| 371.07 | Right of way on sidewalk.  |        |  |
| 371.08 | Yielding to public safety vehicle.                                       |        |  |

**CROSS REFERENCES**

See sectional histories for similar State law

Pedestrian defined - see TRAF. 301.54

Pedestrian prohibited on freeways - see TRAF. 303.06

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

Pedestrian control signals - see TRAF. 313.05

**371.01 RIGHT OF WAY IN CROSSWALK.**

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

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

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

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

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

(f) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.46)

#### **371.02 RIGHT OF WAY OF BLIND PERSON.**

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

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

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.47)

#### **371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.**

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

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

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

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

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

(f) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.48)

#### **371.04 MOVING UPON RIGHT HALF OF CROSSWALK.**

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.49)

#### **371.05 WALKING ALONG HIGHWAYS.**

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Section 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

(e) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.50)

#### **371.06 USE OF HIGHWAY FOR SOLICITING; RIDING ON OUTSIDE OF VEHICLES.**

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

- (b) (1) Except as provided in subsection (b)(2) hereof, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (2) Council, by ordinance, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway, as provided in Ohio R.C. 4511.051(A), that is under the jurisdiction of the Municipality. The permit shall be valid for only one period or time, which shall be specified in the permit, in any calendar year. Council also may specify the locations where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted that Council considers advisable.
- (3) As used herein, "charitable organization" means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Section 501(c)(3) of the "Internal Revenue Code."

(c) No person shall hang onto, or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five miles per hour, unless either of the following applies:

- (1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in Ohio R.C. 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;
- (2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(f) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

- (g) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.
- (2) Whoever violates subsection (e) or (f) of this section is guilty of a minor misdemeanor. (ORC 4511.51)

### **371.07 RIGHT OF WAY ON SIDEWALK.**

(a) The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.441)

### **371.08 YIELDING TO PUBLIC SAFETY VEHICLE.**

(a) Upon the immediate approach of a public safety vehicle as stated in Section 331.21, every pedestrian shall yield the right of way to the public safety vehicle.

(b) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.452)

### **371.09 WALKING ON HIGHWAY WHILE UNDER THE INFLUENCE.**

(a) A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.481)

**371.10 ON BRIDGES OR RAILROAD CROSSINGS.**

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.511)

**371.11 PERSONS OPERATING MOTORIZED WHEELCHAIRS.**

(EDITOR'S NOTE: Former Ohio R.C. 4511.491, from which Section 371.11 was derived was repealed by Amended Substitute House Bill No. 54, effective June 30, 2025.)

**371.12 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.**

- (a) (1) Electric personal assistive mobility devices, as defined in Ohio R.C. 4501.01, may be operated on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.
- (2) Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (b) No operator of an electric personal assistive mobility device shall do any of the following:
- (1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;
  - (2) Fail to give an audible signal before overtaking and passing a pedestrian;
  - (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
    - A. A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;

**CHAPTER 373**  
**Bicycles and Motorcycles**

373.01	Code application to bicycles.	373.10	Motorized bicycle operation, equipment and license.
373.02	Riding upon seats; handle bars; helmets and glasses.	373.11	Riding on sidewalks.
373.03	Attaching bicycle or sled to vehicle.	373.12	Bicycle license and plate required.
373.04	Riding bicycles and motorcycles abreast.	373.13	Bicycle license and plate application.
373.05	Signal device on bicycle.	373.14	Bicycle inspection required.
373.06	Lights and reflector on bicycle; brakes.	373.15	Issuance of license.
373.07	Riding bicycle on right side of roadway; obedience to traffic rules; passing.	373.16	Issuance of tag, attaching to bicycle.
373.08	Reckless operation; control, course and speed.	373.17	License and tag fee and renewal.
373.09	Parking of bicycle.	373.18	Records; bicycle identification.
		373.19	Transfer of ownership.
		373.20	Paths exclusively for bicycles.
		373.21	Electric bicycles.

**CROSS REFERENCES**

See sectional histories for similar State law  
 Motorcycle protective equipment - see OAC Ch. 4501-17  
 Motorized bicycle equipment - see OAC Ch. 4501-23  
 Bicycle defined - see TRAF. 301.07  
 Motorcycle defined - see TRAF. 301.47  
 Bicycles prohibited on freeways - see TRAF. 303.06  
 Hand and arm signals - see TRAF. 331.15  
 Motorcycle operator's license required - see TRAF. 335.01(a)  
 Motorcycle headlight - see TRAF. 337.03  
 Motorcycle brakes - see TRAF. 337.18(b)

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**373.01 CODE APPLICATION TO BICYCLES.**

(a) The provisions of this Traffic Code that are applicable to bicycles and electric bicycles apply whenever a bicycle or electric bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in subsection (d) of this section, a bicycle operator or electric bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles or electric bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or electric bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle operator, electric bicycle operator, or motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders or electric bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator, electric bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles and electric bicycles except those which by their nature are not applicable.

### **373.02 RIDING UPON SEATS; HANDLEBARS; HELMETS AND GLASSES.**

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.

(b) No person operating a bicycle or electric bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle or electric bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or electric bicycle other than upon such a firmly attached and regular seat.

(c) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(d) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(f) No person operating a bicycle or electric bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.

(g) No bicycle, electric bicycle, or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

**CHAPTER 375**  
**Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles**

<p><b>375.01</b> Definitions.</p> <p><b>375.02</b> Equipment.</p> <p><b>375.03</b> Code application; prohibited operation.</p> <p><b>375.04</b> Permitted operation.</p>	<p><b>375.05</b> Licensing requirements of operator.</p> <p><b>375.06</b> Registration of vehicles.</p> <p><b>375.07</b> Accident reports.</p> <p><b>375.08</b> Certificate of title.</p> <p><b>375.09</b> All purpose vehicles, trail bikes and dirt bikes prohibited.</p>
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**CROSS REFERENCES**

See sectional histories for similar State law  
 Lights, brakes and muffler - see OAC Ch. 4501.29  
 Power of trial court of record to impound registration certificate for certain violations - see Ohio R.C 4519.47  
 Power to regulate; municipal licensing prohibited - see Ohio R.C. 4519.48  
 Street or highway defined - see TRAF. 301.84  
 Required usage of helmets and safety glasses - see TRAF. 373.02(f)

**375.01 DEFINITIONS.**

As used in this chapter:

- (a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (ORC 4519.01(A))
- (b) "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes. "All-purpose vehicle" does not include a utility vehicle as defined in Ohio R.C. 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Section 301.46 of this Traffic Code. (ORC 4519.01(B))
- (c) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all purpose vehicle, or other right to the possession thereof. (ORC 4519.01(C))

- (d) "Operator" means any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle or all purpose vehicle.
- (e) "Limited access highway" or "freeway" means a highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the Ohio Director of Transportation. (ORC 5511.02)
- (f) "Interstate highway" means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. 103, and amendments thereof.
- (g) "Off-highway motorcycle" means every motorcycle, as defined in Ohio R.C. 4511.01, that is designed to be operated primarily on lands other than a street or highway. (ORC 4519.01)

### 375.02 EQUIPMENT.

(a) Equipment of snowmobiles, off-highway motorcycles, and all purpose vehicles shall include, but not necessarily be limited to requirements for the following items:

- (1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;
- (2) At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;
- (3) Adequate brakes. Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial steady speed of twenty miles per hour, or locking its traction belt.
- (4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed eighty-two decibels on the "A" scale at fifty feet as measured according to SAE J192 (September 1970).

(b) No person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle in violation of this section, except that equipment specified in subsections (a)(1) and (2) hereof shall not be required on snowmobiles, off-highway motorcycles, or all purpose vehicles operated during the daylight hours.

(c) Except as otherwise provided in this subsection, whoever violates subsection (b) of this section shall be fined not more than fifty dollars (\$50.00). If the offender within the preceding year previously has committed a violation of subsection (b) of this section, whoever violates subsection (b) of this section shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00), imprisoned not more than three days, or both. (ORC 4519.20)

**CHAPTER 377**  
**Under-Speed, Low-Speed, and Utility Vehicles**

<b>377.01</b>	<b>Definitions.</b>	<b>377.05</b>	<b>Required equipment.</b>
<b>377.02</b>	<b>Regulated vehicles permitted on Village streets.</b>	<b>377.06</b>	<b>Sticker and certificate of compliance.</b>
<b>377.03</b>	<b>Compliance with traffic laws.</b>	<b>377.07</b>	<b>Unsecured loads.</b>
<b>377.04</b>	<b>Vehicle inspection.</b>	<b>377.99</b>	<b>Penalty.</b>

**377.01 DEFINITIONS.**

For this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

- (a) "LOW-SPEED VEHICLE" means any vehicle as defined by Ohio R.C. 4501.01 (WW).
- (b) "UNDER-SPEED VEHICLE" means any vehicle defined under Ohio R.C. 4501.01 (XX).
- (c) "UTILITY VEHICLE" means any vehicle defined under Ohio R.C. 4501.01(VV)
- (d) "REGULATED VEHICLE" means any under-speed, low-speed or utility vehicle regulated under this Chapter.  
(Ord. 2025-41. Passed 8-20-25.)

**377.02 REGULATED VEHICLES PERMITTED ON VILLAGE STREETS.**

Subject to the requirements of this chapter.

- (a) No regulated vehicle shall be permitted to travel on any city street, or a portion of a city street, where the posted speed limit is greater than thirty-five (35) miles per hour.
- (b) Such regulated vehicles shall be permitted to cross intersections of streets with higher speeds so long as the regulated vehicle remains on such street or the continuing intersection of such street that has a speed limit with the permissible regulated vehicle speed limit.
- (c) No regulated vehicle may be operated off the street, particularly on any sidewalk or bike path, within the City except a path located solely within and servicing private property. (Ord. 2025-41. Passed 8-20-25.)

**377.03 COMPLIANCE WITH TRAFFIC LAWS.**

All regulated vehicles must be operated on Village streets in accordance with all applicable state and local traffic laws, including but not limited to the following:

- (a) Anyone who operates a vehicle on Village streets must have a valid driver's license. If the owner of the multi-use vehicle is a business, the business must require that all persons operating its multi-use vehicles have a valid driver's license;
- (b) A vehicle must have the required license plates.
- (c) A vehicle must have at least minimum liability insurance coverage as required by the State of Ohio. (Ord. 2025-41. Passed 8-20-25.)

**377.04 VEHICLE INSPECTION.**

No person shall operate a regulated vehicle, as defined herein, on the streets within the City unless it has been inspected and approved by the Chief of Police, or the designee of the Chief of Police, for compliance with the applicable safety/equipment requirements of the State of Ohio relative to motor vehicles. The inspection fee shall be twenty-five dollars (\$25.00). The Newton Falls Police Department shall conduct the inspection of such vehicle at the residence of the owner requesting registration of the regulated vehicle.

- (a) At the time of the inspection, the owner of the regulated vehicle must present all the following:
  - (1) Proof of ownership, including a title in accordance with Ohio R. C. Chapter 4505 and registration in accordance with Ohio R.C. Chapter 4503 (Out-of-state regulated vehicles are not permitted on Village streets);
  - (2) Evidence of compliance with Section 377.03;
  - (3) A regulated vehicle that complies with Section 377.05 (If the regulated vehicle is an under-speed vehicle, the owner/operator also must provide proof of the gross vehicle weight. If the multi-use vehicle is a mini truck, the owner/operator must provide proof of the unladen weight); and
  - (4) Payment for the inspection fee. (Check payable to Village of Newton Falls) (Ord. 2025-41. Passed 8-20-25.)

**377.05 REQUIRED EQUIPMENT.**

A regulated vehicle, at a minimum, must have all the following:

- (a) Brake lights (two lights);
- (b) Headlights (two lights);
- (c) Taillights (two lights);
- (d) Turn signals (two front, two rear);
- (e) A horn;
- (f) A rearview mirror;
- (g) A windshield;
- (h) Brakes and a brake system;
- (i) A steering mechanism;
- (j) Appropriate tires that are free of major bumps, bulges, breaks, or any other unsafe conditions;
- (k) Seat belts sufficient for the maximum occupancy of the vehicle. (Ord. 2025-41. Passed 8-20-25.)

**377.06 STICKER AND CERTIFICATE OF COMPLIANCE.**

If the regulated vehicle is determined by the Newton Falls Police Department to be in compliance with Section 377.03 and 377.04, the Chief of Police shall issue the owner a Certificate of Compliance entitling the owner, or an authorized operator, to operate the regulated vehicle according to this Chapter.

- (a) The Chief of Police shall keep a copy of each Certificate issued pursuant to this chapter.
- (b) The owner or operator of a regulated vehicle shall keep a copy of any Certificate issued, pursuant to this section, inside the regulated vehicle to which it pertains, at all times, as such vehicle is being used within the streets of the City.
- (c) The Chief of Police shall issue a sticker or similar device to the owner of each regulated vehicle upon successful inspection and certification. The sticker shall signify compliance with this chapter and section.
- (d) The owner or operator of such regulated vehicle shall display the sticker, at all times, in a conspicuous place on the rear of the regulated vehicle.  
(Ord. 2025-41. Passed 8-20-25.)

**377.07 UNSECURED LOADS.**

Objects, such as luggage, freight, coolers, wheelchairs, car seats, strollers and other similar objects, shall not be transported on a low-speed vehicle or under-speed vehicle unless the objects are properly secured within a flat bed or cargo area with the tailgate closed and/or with cords, straps, ties, netting or other appropriate restraints to secure the objects and prevent them from falling onto the roadway. (Ord. 2025-41. Passed 8-20-25.)

**377.99 PENALTY.**

Whoever violates this Chapter shall be guilty of a minor misdemeanor upon a first offense. Upon a second offense within one year after the first offense, the violator of this Chapter shall be guilty of a misdemeanor of the Fourth Degree. Each subsequent offense within one year after the first offense and second offense, the violator shall be guilty of a misdemeanor of the Third Degree. Each day of noncompliance shall constitute a separate violation. Individuals, corporations, and companies so named on the title of said vehicle shall be responsible for all safety equipment and shall also be responsible for all penalties set forth in this section. Compliance with this section shall be in addition to, rather than in lieu of, any applicable provisions of state law related to the operation of motor vehicles.  
(Ord. 2025-41. Passed 8-20-25.)

**CHAPTER 513**  
**Drug Abuse Control**

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

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

**513.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

- (a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
- (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

- (d) "Bulk amount." Of a controlled substance, means any of the following:
- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
    - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
    - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
    - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
    - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
    - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
    - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
    - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
  - (2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
  - (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
  - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;

- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (38) A person who has been issued a license to practice as a certified mental health assistant under Ohio R.C. Chapter 4772.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
  - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
- (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
  - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
- (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.  
(ORC 2925.01)

### **513.02 GIFT OF MARIHUANA.**

(EDITOR'S NOTE: Former Ohio R.C. 2925.03 from which Section 513.02 was derived was superseded by the changes made to Ohio R.C. 3780.36 enacted by Initiative Petition. See "Section 513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals" for relevant provisions.)

### **513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.**

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

- (b) (1) This section does not apply to the following:
  - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772;
  - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
  - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

- (c) Whoever violates subsection (a) hereof is guilty of one of the following:
- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
  - (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
    - A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
    - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
  - (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
    - A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
    - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 2925.11)

**513.04 POSSESSING DRUG ABUSE INSTRUMENTS.**

(a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

- (b) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772;
- (2) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

- (d) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.  
(ORC 2925.12)

**513.05 PERMITTING DRUG ABUSE.**

(a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C. 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(b) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(c) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02, 2925.03, 2925.04 or 2925.041 as provided in Ohio R.C. 2925.13, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

- (d) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.

- (3) A. Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.
- B. Upon the filing of a motion under subsection (d)(3) of this section, the sentencing court, in its discretion, may terminate the suspension.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2925.13)

#### **513.06 ILLEGAL CULTIVATION OF MARIHUANA.**

- (a) No person shall knowingly cultivate marihuana.
- (b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.
- (c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.
- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.
- (2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.
- (d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.
- (e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness. (ORC 2925.04)

#### **513.07 POSSESSING OR USING HARMFUL INTOXICANTS.**

- (a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

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

- (c) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.31)

#### **513.08 ILLEGALLY DISPENSING DRUG SAMPLES.**

(a) No person shall knowingly furnish another a sample drug.

(b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4725, 4729, 4730, 4731, 4741 and 4772.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:

- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.
- (2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.
- (d) (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
- (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.36)

#### **513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.**

(a) As used in this section, "repackager" and "outsourcing facility" have the same meanings as in ORC 4729.01.

Whenever a manufacturer sells a controlled substance, and whenever a wholesaler, repackager, or outsourcing facility sells a controlled substance in a package the wholesaler, repackager or outsourcing facility has prepared, the manufacturer or the wholesaler, repackager or outsourcing facility, as the case may be, shall securely affix to each package in which the controlled substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person, except a pharmacist for the purpose of dispensing a controlled substance upon a prescription shall alter, deface or remove any label so affixed.

- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance, except for those exempted in subsection (d)(4) of this section;
- (6) A scale or balance for weighing or measuring a controlled substance;
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (11) A container or device for storing or concealing a controlled substance;
- (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
- (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
- (3) The proximity of the equipment, product or material to any controlled substance;
- (4) The existence of any residue of a controlled substance on the equipment, product or material;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the equipment, product or material concerning its use;

- (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
  - (8) National or local advertising concerning the use of the equipment, product or material;
  - (9) The manner and circumstances in which the equipment, product or material is displayed for sale;
  - (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
  - (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
  - (12) Expert testimony concerning the use of the equipment, product or material.
- (c)
- (1) Subject to subsection (d)(2), (d)(3) and (d)(4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.
  - (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
  - (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d)
- (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
  - (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.
  - (3) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of subsection (c)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.
  - (4) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.
- (e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.

- (f)
  - (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
  - (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
  - (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
  - (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.
- (g)
  - (1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
  - (2) If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.14)

#### **513.121 MARIHUANA DRUG PARAPHERNALIA.**

(a) As used in this section, "drug paraphernalia" has the same meaning as in Section 513.12.

(b) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in subsection (b) of Section 513.12.

(c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(d) This section does not apply to any person identified in subsection (d)(1) of Section 513.12 and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

- (e)
  - (1) Subsection (e) of Section 513.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.
  - (2) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of this subsection when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.
- (f)
  - (1) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

- (2) Arrest or conviction for a violation of subsection (c) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.
- (g) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court shall do the following if applicable:
- A. If the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.
  - B. If the offender is a professionally licensed person, the court immediately shall comply with Ohio R.C. 2925.38.  
(ORC 2925.141)

#### **513.13 COUNTERFEIT CONTROLLED SUBSTANCES.**

- (a) No person shall knowingly possess any counterfeit controlled substance.
- (b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (ORC 2925.37)
- (c) The court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.37)

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

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

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

- (1) A parent or guardian is deemed to have knowingly permitted their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used in violation of Ohio R.C. Chapter 3780 if they knowingly authorize or permit consumption of cannabis by underage invitees.
  - (2) Where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.  
(ORC 3780.36)
- (h) Penalties.
- (1) Except as otherwise provided in Ohio R.C. Chapter 3796, Ohio R.C. 2925.11 or a substantially equivalent municipal ordinance shall apply when an adult use consumer possesses an amount of cannabis greater than the limits set forth in subsection (b)(1) of this section.
  - (2) Except as otherwise provided in Ohio R.C. Chapter 3780, an adult use consumer who uses adult use cannabis in public areas, or who violates subsection (d)(2) of this section as a passenger, is guilty of a minor misdemeanor.
  - (3) A. An individual under twenty-one years of age who knowingly shows or gives false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780 is guilty of a misdemeanor of the first degree. If, in committing a first violation, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months.  
B. On a second violation in which, for the second time, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.

- C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. Except as provided in this subsection, the court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
- (4) An individual who is under twenty-one years of age and who solicits another individual to purchase adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780 is guilty of:
- A. For a first violation, a misdemeanor of the fourth degree; and
- B. For a second or subsequent violation, a misdemeanor of the second degree.
- (5) An employee or agent of an adult use dispensary licensed under Ohio R.C. Chapter 3780 who knowingly sells cannabis to an individual under twenty-one years of age is guilty of a misdemeanor of the first degree.
- (6) Any individual who violates Ohio R.C. 3780.10(A), or 3780.29(F), is guilty of the illegal trafficking in drugs under Ohio R.C. 2925.03 and the illegal manufacture of drugs under Ohio R.C. 2925.04.
- (7) Any individual who violates subsection (b)(2) or (b)(3) of this section is guilty of the illegal trafficking in drugs under Ohio R.C. 2925.03.
- (8) Any individual who violates Ohio R.C. 3780.20(B) is guilty of illegal dispensing of drug samples under Ohio R.C. 2925.36 or a substantially equivalent municipal ordinance.
- (9) A. An individual who violates subsection (g) of this section is guilty of:
1. For a first violation, a misdemeanor of the third degree; and
2. For a second or subsequent violation, a misdemeanor of the first degree.
- B. If a violation of subsection (g) of this section directly or indirectly results in great bodily harm or death to any individual, the individual violating subsection (g) is guilty of a felony to be prosecuted under appropriate state law.  
(ORC 3780.99)

**513.17 PSEUDOEPHEDRINE SALES.****(a) Unlawful Purchases.**

- (1) As used in subsections (a), (b), (c) and (d) of this section:
- A. "Consumer product." Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.
  - B. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.
  - C. "Ephedrine product." A consumer product that contains ephedrine.
  - D. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.
  - E. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.
  - F. "Retailer." A place of business that offers consumer products for sale to the general public.
  - G. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.
  - H. "Terminal distributor of dangerous drugs." Has the same meaning as in Ohio R.C. 4729.01.
- (2) A.
- 1. No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772:
    - a. Three and six tenths grams within a period of a single day;
    - b. Nine grams within a period of thirty consecutive days.
  - 2. The limits specified in subsections (a)(2)A.1.a. and (a)(2)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.
- B. It is not a violation of subsection (b)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in subsection (a)(2)A.1.a. or (a)(2)A.1.b. of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

- (3) A. No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product, or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.
- B. Subsection (a)(3)A. of this section does not apply to an individual under eighteen years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:
1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;
  2. A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;
  3. A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;
  4. A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.
- (4) No individual under eighteen years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.
- (5) No individual shall knowingly fail to comply with the requirements of Ohio R.C. 3715.051(B).
- (6) Whoever violates subsection (a)(2)A. of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.
- (7) Whoever violates subsection (a)(3)A. of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.
- (8) Whoever violates subsection (a)(4) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.

- (9) Whoever violates subsection (a)(5) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree.  
(ORC 2925.55)

(b) Unlawful Retail Sales.

- (1) A. 1. Except as provided in subsection (b)(1)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:
- a. Three and six tenths grams within a period of a single day;
  - b. Nine grams within a period of thirty consecutive days.
2. The maximum amounts specified in subsections (b)(1)A.1.a. and (b)(1)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.
- B. 1. Subsection (b)(1)A. of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.
2. It is not a violation of subsection (b)(1)A. of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in subsection (b)(1)A.1.a. or (b)(1)A.1.b. of this section under either of the following circumstances:
- a. The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;
  - b. A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in Ohio R.C. 3715.052(A)(2).

- (2) A. Except as provided in subsection (b)(2)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under eighteen years of age.
- B. Subsection (b)(2)A. of this section does not apply to any of the following:
1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;
  2. A parent or guardian of an individual under eighteen years of age who provides a pseudoephedrine product or ephedrine product to the individual;
  3. A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age;
  4. The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under eighteen years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.
- (3) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of Ohio R.C. 3715.051(A) or Ohio R.C. 3715.052(A)(2).
- (4) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of Ohio R.C. 3715.052(A)(1).
- (5) Whoever violates subsection (b)(1)A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.
- (6) Whoever violates subsection (b)(2)A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree.
- (7) Whoever violates subsection (b)(3) of this section is guilty of improper sale of a pseudoephedrine product or ephedrine product, a misdemeanor of the second degree.
- (8) Whoever violates subsection (b)(4) of this section is guilty of failing to submit information to the national precursor log exchange, a misdemeanor for which the offender shall be fined not more than one thousand dollars (\$1,000) per violation.  
(ORC 2925.56)

(c) Transaction Scans.

- (1) For the purpose of this subsection and subsection (d) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive any pseudoephedrine product or ephedrine product from the seller, agent or employee.
  - B. "Identification card" has the same meaning as in Ohio R.C. 2927.021.
  - C. "Seller." A retailer or terminal distributor of dangerous drugs.
  - D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks by means of a transaction scan device the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving any pseudoephedrine product or ephedrine product.
  - E. "Transaction scan device." Has the same meaning as in Ohio R.C. 2927.021.
- (2)
- A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder a pseudoephedrine product or ephedrine product.
  - B. If the information deciphered by the transaction scan performed under subsection (c)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any pseudoephedrine product or ephedrine product to the card holder.
  - C. Subsection (c)(2)A. of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.
- (3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (c) and subsection (d) of this section.
- (4)
- A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:
    - 1. The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;
    - 2. The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a card holder.

- B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (c)(4)A. of this section except for purposes of subsection (d) of this section, Ohio R.C. 2925.58, or Ohio R.C. 3715.052(A)(1).
  - C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.
  - D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (d) of this section or any other section of the Ohio Revised Code.
- (5) Nothing in this subsection (c) or subsection (d) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of pseudoephedrine products or ephedrine products.
- (6) Whoever violates subsection (c)(2)B. or (c)(4) of this section is guilty of engaging in an illegal pseudoephedrine product or ephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars (\$1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.  
(ORC 2925.57)
- (d) Affirmative Defenses.
- (1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (b) of this section in which the age of the purchaser or other recipient of a pseudoephedrine product is an element of the alleged violation if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:
- A. A card holder attempting to purchase or receive a pseudoephedrine product presented a driver's or commercial driver's license or an identification card.
  - B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.
  - C. The pseudoephedrine product was sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.
- (2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (d)(1) of this section, the trier of fact in the action for the alleged violation of subsection (b) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (b) of this section. For purposes of subsection (d)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented

and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

- A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes a pseudoephedrine product is eighteen years of age or older;
  - B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (3) In any criminal action in which the affirmative defense provided by subsection (d)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 through 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.  
(ORC 2925.58)

(e) Retailer's Duties.

- (1) As used in subsections (e) and (f) of this section:
- A. "Consumer product." Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.
  - B. "Drug." Has the same meanings as in Ohio R.C. 4729.01.
  - C. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.
  - D. "Ephedrine product." A consumer product that contains ephedrine.
  - E. "Law enforcement official." An officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.
  - F. "Licensed health professional authorized to prescribe drugs." Has the same meanings as in Ohio R.C. 4729.01.
  - G. "National Precursor Log Exchange" or "Exchange." The electronic system for tracking sales of pseudoephedrine products and ephedrine products on a national basis that is administered by the National Association of Drug Diversion Investigators or a successor organization.
  - H. "Pharmacist." A person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
  - I. "Pharmacy." Has the same meanings as in Ohio R.C. 4729.01.
  - J. "Prescriber." Has the same meanings as in Ohio R.C. 4729.01.
  - K. "Prescription." Has the same meanings as in Ohio R.C. 4729.01.
  - L. "Proof of age." A driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows a person is eighteen years of age or older.

- M. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.
  - N. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.
  - O. "Retailer." A place of business that offers consumer products for sale to the general public.
  - P. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.
  - Q. "Stop-sale alert." A notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of Ohio R.C. 2925.56(A)(1) or federal law.
  - R. "Terminal distributor of dangerous drugs." Has the same meanings as in Ohio R.C. 4729.01.
  - S. "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
- (2) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:
- A. Segregate pseudoephedrine products or ephedrine products from other merchandise so that no member of the public may procure or purchase such products without the direct assistance of a pharmacist or other authorized employee of the retailer or terminal distributor of dangerous drugs;
  - B. With regard to each time a pseudoephedrine product or ephedrine product is sold or otherwise provided without a valid prescription:
    - 1. Determine, by examination of a valid proof of age, that the purchaser or recipient is at least eighteen years of age;
    - 2. a. Using any information available, including information from the national precursor log exchange if the information is accessible, make a reasonable attempt to ensure that no individual purchases or receives an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:
      - i. Three and six tenths grams within a period of a single day;
      - ii. Nine grams within a period of thirty consecutive days.
    - b. The maximum amounts specified in subsections (e)(2)B.2.a.i. and (e)(2)B.2.a.ii. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.
  - C. Maintain a log book of pseudoephedrine product or ephedrine product purchases, in accordance with Ohio R.C. 3715.051;
  - D. If required to comply with section Ohio R.C. 3715.052, submit the information specified in subsections (A)(1)(a) to (A)(1)(d) of that section to the national precursor log exchange.

- (3) Prescriptions, orders, and records maintained pursuant to this section and stocks of pseudoephedrine products and ephedrine products shall be open for inspection to federal, state, county, and municipal officers, and employees of the State Board of Pharmacy whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. Such prescriptions, orders, records, and stocks shall be open for inspection by the State Medical Board and its employees for purposes of enforcing Ohio R.C. Chapter 4731.  
(ORC 3715.05)
- (f) Theft or Loss; Reporting Requirements.
- (1) Each retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler that sells, offers to sell, holds for sale, delivers or otherwise provides any pseudoephedrine product and that discovers the theft or loss of any pseudoephedrine product in an amount of more than nine grams per incident of theft or loss shall notify all of the following upon discovery of the theft or loss:
- A. The State Board of Pharmacy, by telephone immediately upon discovery of the theft or loss;
- B. Law enforcement authorities. If the incident is a theft and the theft constitutes a felony, the retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall report the theft to the law enforcement authorities in accordance with Ohio R.C. 2921.22.
- (2) Within thirty days after making a report by telephone to the State Board of Pharmacy pursuant to subsection (f)(1)A. of this section, a retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall send a written report to the State Board of Pharmacy.
- (3) The reports required under this section shall identify the product that was stolen or lost, the amount of the product stolen or lost, and the date and time of discovery of the theft or loss.  
(ORC 3715.06)

**513.99 PENALTY.**

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

- malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (4) No person who is required to report any burn injury under subsection (e)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to Ohio R.C. 3737.22(A)(15).
- (5) Anyone participating in the making of reports under subsection (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (e) of this section.
- (f) (1) No person who knows that a licensed medical professional has committed an offense under Ohio R.C. Chapter 2907, a violation of a municipal ordinance that is substantially equivalent to such offense, or a substantially equivalent criminal offense in another jurisdiction, against a patient of the licensed medical professional shall fail to report such knowledge to law enforcement authorities within thirty days of obtaining the knowledge.
- (2) Except for a self-report or participation in the offense or violation being reported, any person who makes a report within the thirty-day period provided in subsection (f)(1) of this section or any person who participates in a judicial proceeding that results from such report is immune from civil or criminal liability that otherwise might be incurred or imposed as a result of making that report or participating in that proceeding so long as the person is acting in good faith without fraud or malice.
- (3) The physician-patient relationship or physician assistant-patient relationship is not a ground for excluding evidence regarding the person's knowledge of a licensed medical professional's commission of an offense or violation reported under subsection (f)(1) of this section, against that licensed medical professional in any judicial proceeding resulting from a report made under that division.
- (4) As used in subsection (f) of this section, "licensed medical professional" has the same meaning as in Ohio R.C. 2907.01.
- (g) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

- (2) Notwithstanding Ohio R.C. 4731.22, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.
- (h) Subsections (a) and (d) of this section do not require disclosure of information, when any of the following applies:
- (1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.
  - (2) The information would tend to incriminate a member of the actor's immediate family.
  - (3) Disclosure of the information would amount to revealing a news source, privileged under Ohio R.C. 2739.04 or 2739.12.
  - (4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.
  - (5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for persons with drug dependencies or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or community addiction services provider whose alcohol and drug addiction services are certified pursuant to Ohio R.C. 5119.36.
  - (6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Ohio R.C. 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former Ohio R.C. 2907.12. As used in this subsection, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.
- (i) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.
- (j) Whoever violates subsection (a), (b) or (f)(1) of this section is guilty of failure to report a crime. Violation of subsection (a)(1) or (f)(1) of this section is a misdemeanor of the fourth degree. Violation of subsection (a)(2) or (b) of this section is a misdemeanor of the second degree.

(k) Whoever violates subsection (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

- (l) (1) Whoever negligently violates subsection (e) of this section is guilty of a minor misdemeanor.
- (2) Whoever knowingly violates subsection (e) of this section is guilty of a misdemeanor of the second degree.

(m) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse. (ORC 2921.22)

#### **525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.**

(a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

#### **525.07 OBSTRUCTING OFFICIAL BUSINESS.**

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.

(b) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this subsection (b), obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony and shall be prosecuted under appropriate State law. (ORC 2921.31)

#### **525.08 OBSTRUCTING JUSTICE.**

(a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a misdemeanor, or to assist another to benefit from the commission of a misdemeanor, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a misdemeanor or to assist a child to benefit from the commission of an act that if committed by an adult would be a misdemeanor, shall do any of the following:

- (1) Harbor or conceal the other person or child;
- (2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
- (3) Warn the other person or child of impending discovery or apprehension;
- (4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
- (5) Communicate false information to any person.
- (6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

(b) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for committing, a violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed. The crime or act the person or child aided committed shall be used under subsection (c) hereof in determining the penalty for the violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.

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

#### **525.09 RESISTING ARREST.**

(a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another.

(b) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.

(c) Whoever violates this section is guilty of resisting arrest. A violation of subsection (a) hereof is a misdemeanor of the second degree. A violation of subsection (b) hereof is a misdemeanor of the first degree. (ORC 2921.33)

#### **525.10 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.**

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

- (1) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission or board of which the public official was a member at the time of authorization unless the contract was let by competitive bidding, to the lowest and best bidder;
- (2) Have an interest in the profits or benefits of a public contract entered into by or for the use of the Municipality or governmental agency or instrumentality with which the public official is connected;
- (3) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law, and that involves more than one hundred fifty dollars (\$150.00).

(b) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family or any of a public official's business associates shall not be considered as having an interest in a public contract if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
- (2) The shares owned or controlled by that person do not exceed five percent (5%) of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five percent (5%) of the total indebtedness of the corporation or other organization;
- (3) That person, prior to the time the public contract is entered into, files with the Municipality or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

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

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

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

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

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

(g) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

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

### **525.11 SOLICITING OR RECEIVING IMPROPER COMPENSATION.**

(a) No public servant shall knowingly solicit or accept and no person shall knowingly promise or give to a public servant either of the following:

- (1) Any compensation, other than is allowed by Ohio R.C. 102.03(G), (H), and (I) or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;
- (2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(b) No public servant for the public servant's own personal or business use and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

- (1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

(c) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

(d) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(e) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment or position of trust in this Municipality for a period of seven years from the date of conviction.

(f) Subsections (a), (b) and (c) hereof do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity from accepting voluntary contributions. (ORC 2921.43)

#### **525.12 DERELICTION OF DUTY.**

- (a) No law enforcement officer shall negligently do any of the following:
- (1) Fail to serve a lawful warrant without delay;
  - (2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in the law enforcement officer's power to do so alone or with available assistance.
- (b) No law enforcement, ministerial or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.
- (c) No officer, having charge of a detention facility, shall negligently do any of the following:
- (1) Allow the detention facility to become littered or unsanitary;
  - (2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;
  - (3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;
  - (4) Allow a prisoner to escape;
  - (5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.
- (d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.
- (e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.
- (f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.
- (g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.

#### **525.13 INTERFERING WITH CIVIL RIGHTS.**

- (a) No public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.
- (b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree. (ORC 2921.45)

#### **525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.**

- (a) No person who is not entitled to do so shall knowingly display on a motor vehicle the emblem of a law enforcement agency or an organization of law enforcement officers.

(b) Whoever violates this section is guilty of the unlawful display of the emblem of a law enforcement agency or an organization of law enforcement officers, a minor misdemeanor. (ORC 2913.441)

**525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.**

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

- (1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.
- (2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

- (1) Taunt, torment, or strike a police dog or horse;
- (2) Throw an object or substance at a police dog or horse;
- (3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:
  - A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;
  - B. Deprives the law enforcement officer of control of the police dog or horse;
  - C. Releases the police dog or horse from its area of control;
  - D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;
  - E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.
- (4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.
- (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct, the police dog or horse is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

- (1) The dog, at the time the physical harm is caused or attempted, is assisting or serving a person who is blind, deaf or hearing impaired or a person with a mobility impairment.
- (2) The dog, at the time the physical harm is caused or attempted, is not assisting or serving a person who is blind, deaf or hearing impaired or a person with a mobility impairment, but the offender has actual knowledge that the dog is an assistance dog.

**CHAPTER 533**  
**Obscenity and Sex Offenses**

<p><b>533.01</b> Definitions.</p> <p><b>533.02</b> Presumption of knowledge; actual notice and defense.</p> <p><b>533.03</b> Unlawful sexual conduct with a minor.</p> <p><b>533.04</b> Sexual imposition.</p> <p><b>533.05</b> Importuning.</p> <p><b>533.06</b> Voyeurism.</p> <p><b>533.07</b> Public indecency.</p> <p><b>533.08</b> Procuring; engagement in sexual activity for hire.</p> <p><b>533.09</b> Soliciting.</p> <p><b>533.091</b> Loitering to engage in solicitation.</p>	<p><b>533.10</b> Prostitution.</p> <p><b>533.11</b> Disseminating matter harmful to juveniles.</p> <p><b>533.12</b> Deception to obtain matter harmful to juveniles.</p> <p><b>533.13</b> Displaying matter harmful to juveniles.</p> <p><b>533.14</b> Unlawful advertising of massage.</p> <p><b>533.15</b> Dissemination of private sexual images.</p> <p><b>533.16</b> Grooming.</p> <p><b>533.99</b> Penalty.</p>
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**CROSS REFERENCES**

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

**533.01 DEFINITIONS.**

As used in this chapter:

- (a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- (b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- (c) "Sexual activity" means sexual conduct or sexual contact, or both.
- (d) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.
- (e) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

- (1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.
  - (2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.
  - (3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.
- (f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
- (1) Its dominant appeal is to prurient interest;
  - (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
  - (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
  - (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
  - (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.
- (g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (i) "Juvenile" means an unmarried person under the age of eighteen.
- (j) "Licensed medical professional" means any of the following medical professionals:
- (1) A physician assistant licensed under Ohio R.C. Chapter 4730;
  - (2) A physician authorized under Ohio R.C. Chapter 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;
  - (3) A massage therapist licensed under Ohio R.C. Chapter 4731.
- (k) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.

- (l) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (m) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
  - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
  - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
  - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (n) "Minor" means a person under the age of eighteen years.
- (o) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (p) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
- (q) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.
- (r) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.
- (s) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an under-garment.  
(ORC 2907.01)

### **533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.**

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

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

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

- (d) (1) Sections 533.11, 533.12(a) and 533.13 do not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.
- (2) Subsection (d)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of Section 533.11, 533.12 or 533.13, or who knowingly advertises the availability of material of that nature.
- (3) Subsection (d)(1) of this section does not apply to a person who provides access or connection to an electronic method of remotely transferring information that is engaged in the violation of Section 533.11, 533.12 or 533.13, and that contains content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.

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

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

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

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

(ORC 2907.35)

### **533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.**

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

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

(ORC 2907.04)

**533.04 SEXUAL IMPOSITION.**

(a) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more other persons to have sexual contact when the offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.

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

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 2907.02, 2907.03, 2907.04 or 2907.05, 2907.06 or former Section 2907.12 or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in Ohio R.C. 2929.24, the court may impose on the offender a definite jail term of not more than one year. (ORC 2907.06)

**533.05 IMPORTUNING.**

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

**533.06 VOYEURISM.**

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

(b) No person shall knowingly commit trespass or otherwise secretly or surreptitiously videotape, film, photograph, broadcast, stream, or otherwise record another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person.

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

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

### 533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others, who are in the person's physical proximity and who are not members of the person's household:

- (1) Expose the person's private parts;
- (2) Engage in sexual conduct or masturbation;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, who is a minor, and who is not the spouse of the offender:

- (1) Engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
- (4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.

- (c) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in subsections (c)(2), (3), (4) and (5) of this section.
- (2) Except as otherwise provided in subsection (c)(2) of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.
- (3) Except as otherwise provided in subsection (c)(3) of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

- (3) The image is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work.
- (4) The image is disseminated by a law enforcement officer, or a corrections officer or guard in a detention facility, acting within the scope of the person's official duties.
- (5) The image is disseminated for another lawful public purpose;
- (6) The person in the image is knowingly and willingly in a state of nudity or engaged in a sexual act and is knowingly and willingly in a location in which the person does not have a reasonable expectation of privacy.
- (7) The image is disseminated for the purpose of medical treatment or examination.

(d) The following entities are not liable for a violation of this section solely as a result of an image or other information provided by another person:

- (1) A provider of interactive computer service;
- (2) A mobile service;
- (3) A telecommunications carrier;
- (4) An internet provider;
- (5) A cable service provider;
- (6) A direct-to-home satellite service;
- (7) A video service provider.

(e) Any conduct that is a violation of this section and any other section of the General Offenses Code, or the Revised Code may be prosecuted under this section, the other section, or both sections.

- (f)
  - (1)
    - A. Except as otherwise provided in subsection (f)(1)B., C., or D. of this section, whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree.
    - B. If the offender previously has been convicted of or pleaded guilty to a violation of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the second degree.
    - C. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, nonconsensual dissemination of private sexual images is a misdemeanor of the first degree.
    - D. If the offender is under eighteen years of age and the person in the image is not more than five years older than the offender, the offender shall not be prosecuted under this section.
  - (2) In addition to any other penalty or disposition authorized or required by law, the court may order any person who is convicted of a violation of this section or who is adjudicated delinquent by reason of a violation of this section to criminally forfeit all of the following property to the state under Ohio R.C. Chapter 2981.
    - A. Any profits or proceeds and any property the person has acquired or maintained in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation;

- B. Any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled or conducted in violation of this section that the sentencing court determines to have been acquired or maintained as a result of the violation.

(g) A victim of a violation of this section may commence a civil cause of action against the offender, as described in Ohio R.C. 2307.66.  
(ORC 2917.211)

### 533.16 GROOMING.

(a) As used in this section, "pattern of conduct" has the same meaning as in Ohio R.C. 2903.211.

(b) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor who is less than sixteen years of age and who is four or more years younger than the person, when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

- (1) Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;
- (2) Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(c) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor if the person and the minor are in any of the relationships described in Ohio R.C. 2907.03(A)(5) to (A)(13), when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

- (1) Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;
- (2) Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(d) Whoever violates this section is guilty of grooming.

- (1) Except as otherwise provided in this division, a violation of subsection (b) of this section is a misdemeanor of the second degree. If the victim of the offense is less than thirteen years of age or if the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.

If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense and the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.

- (2) Except as otherwise provided in this subsection, a violation of subsection (c) of this section is a misdemeanor of the first degree. If the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age or if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law.

(e) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of this code or the Ohio Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of this code or the Ohio Revised Code may be prosecuted under this section, the other section of this code or the Revised Code, or both sections.  
(ORC 2907.071)

**533.99 PENALTY.**

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

**CHAPTER 537**  
**Offenses Against Persons**

<p>537.01 Negligent homicide.</p> <p>537.02 Vehicular homicide and manslaughter.</p> <p>537.021 Vehicular assault in a construction zone.</p> <p>537.03 Assault.</p> <p>537.04 Negligent assault.</p> <p>537.05 Aggravated menacing.</p> <p>537.051 Menacing by stalking.</p> <p>537.06 Menacing.</p> <p>537.07 Endangering children.</p> <p>537.08 Unlawful restraint.</p> <p>537.09 Coercion.</p> <p>537.10 Telecommunication harassment.</p> <p>537.11 Threatening or harassing telephone calls.</p>	<p>537.12 Misuse of 9-1-1 system.</p> <p>537.13 Adulterating of or furnishing adulterated food or confection.</p> <p>537.14 Domestic violence.</p> <p>537.15 Temporary protection order.</p> <p>537.16 Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products; transaction scans.</p> <p>537.17 Reserved.</p> <p>537.18 Contributing to unruliness or delinquency of a child.</p> <p>537.19 Hazing prohibited.</p> <p>537.20 Illegal use of a tracking device or application.</p> <p>537.99 Penalty.</p>
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**CROSS REFERENCES**

See sectional histories for similar State law  
 Physical harm to persons defined - see GEN. OFF.  
     501.01 (c), (e)  
 Fighting; provoking violent response - see GEN. OFF. 509.03

**537.01 NEGLIGENT HOMICIDE.**

(a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

**537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.**

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

- (1) As the proximate result of committing an OVI offense.
  - (2) In one of the following ways:
    - A. Recklessly;
    - B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in subsection (d) of this section.
  - (3) In one of the following ways:
    - A. Negligently;
    - B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
  - (4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense.
- (2) Whoever violates subsection (a)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial

driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

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

(e) As used in this section:

- (1) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (2) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
- (3) "Motor vehicle", "mini-truck" and "utility vehicle" have the same meaning as in Ohio R.C. 4501.01.
- (4) "OVI offense" means a violation of Ohio R.C. 4511.19(A), a violation of Ohio R.C. 1547.11(A), a violation of Ohio R.C. 4561.15(A)(3), or a substantially equivalent municipal ordinance.
- (5) "Reckless operation offense" means a violation of Ohio R.C. 4511.20 or a municipal ordinance substantially equivalent to Ohio R.C. 4511.20.
- (6) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.
- (7) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.06)

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

**537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.**

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

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

(c) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) This section does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27.

(e) As used in this section:

- (1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.08)

**537.03 ASSAULT.**

(a) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(b) No person shall recklessly cause serious physical harm to another or to another's unborn.

- (c) (1) Whoever violates this section is guilty of assault, a misdemeanor of the first degree, and the court shall sentence the offender as provided in subsection (c) hereof. If the assault was committed under the circumstances provided in subsection (c)(2), (3), (4), (5), (6), (7), (8) or (9) hereof, assault is a felony and shall be prosecuted under appropriate State law.
- (2) Except as otherwise provided in this subsection, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, the assault is a felony and shall be prosecuted under appropriate State law.
- (3) If the offense occurs in or on the grounds of a State correctional institution or an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction or the Department of Youth Services, and the offense is committed by a person incarcerated in the State correctional institution or by a person institutionalized in the Department of Youth Services Institution pursuant to a commitment to the Department of Youth Services.
- (4) If the offense is committed in any of the following circumstances:
- A. The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.
- B. The offense occurs off the grounds of a State correctional institution and off the grounds of an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction, the Department of Youth Services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a State correctional institution or institutionalized in the Department of Youth Services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
- C. The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

- D. The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.
- (5) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties.
- (6) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation and if the victim suffered serious physical harm as a result of the commission of the offense.
- (7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties.
- (8) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital; a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers or officers, assault is one of the following:
- A. Except as otherwise provided in subsection (c)(8)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, in sentencing the offender under this subsection and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).
- B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony.
- (9) If the victim of the offense is a judge, magistrate, prosecutor or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following:
- A. Except as otherwise provided in subsection (c)(9)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this subsection, if the court decides to impose a fine, notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).

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

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

**537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.**

- (a) No person shall do either of the following, knowingly or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:
- (1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;
  - (2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

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

**537.14 DOMESTIC VIOLENCE.**

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

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

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

- (d)
- (1) Whoever violates this section is guilty of domestic violence.
  - (2) Except as otherwise provided in subsection (d)(3) to (5) of this section, a violation of subsection (c) of this section is a misdemeanor of the fourth degree, and a violation of subsection (a) or (b) of this section is a misdemeanor of the first degree.
  - (3) Except as otherwise provided in subsection (d)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of Ohio R.C. 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the second degree.
  - (4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (d)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of subsection (a) or (b) of this section is a felony to be prosecuted under appropriate state law. A violation of subsection (c) of this section is a misdemeanor of the first degree. If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (d)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, and the

offender knew that the victim of the violation was pregnant at the time of the violation, a violation of subsection (a) or (b) of this section is a felony to be prosecuted under appropriate state law.

- (5) Except as otherwise provided in subsection (d)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate State law, and a violation of subsection (c) of this section is a misdemeanor of the third degree.

(e) Notwithstanding any provision of law to the contrary, no court or unit of local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.

(f) As used in this section:

- (1) "Family or household member" means any of the following:
- A. Any of the following who is residing or has resided with the offender:
    - 1. A spouse, a person living as a spouse or a former spouse of the offender;
    - 2. A parent, a foster parent or a child of the offender, or another person related by consanguinity or affinity to the offender;
    - 3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.
  - B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.
- (2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. (ORC 2919.25)

(g) The same relief available under the Ohio Revised Code for filing a complaint for violation of Ohio R.C. 2919.25 shall be available for filing a complaint for violation of this section.

### **537.15 TEMPORARY PROTECTION ORDER.**

- (a) No person shall recklessly violate the terms of any of the following:
- (1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31;
  - (2) A protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214;
  - (3) A protection order issued by a court of another state.
- (b)
- (1) Whoever violates this section is guilty of violating a protection order.
  - (2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.
  - (3) Violating a protection order is a felony and shall be prosecuted under State law if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:

- A. A violation of a protection order issued or consent agreement approved pursuant to Ohio R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31;
  - B. Two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 or any combination of those offenses that involved the same person who is the subject of the protection order or consent agreement;
  - C. One or more violations of this section.
- (4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.
- (5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this subsection that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device.

(c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(d) In a prosecution for a violation of this section, it is not necessary for the prosecution to prove that the protection order or consent agreement was served on the defendant if the prosecution proves that the defendant was shown the protection order or consent agreement or a copy of either or a judge, magistrate, or law enforcement officer informed the defendant that a protection order or consent agreement had been issued, and proves that the defendant recklessly violated the terms of the order or agreement.

(e) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child. (ORC 2919.27)

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

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

(1) As used in this section:

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

- (5) A. It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:
1. The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.
  2. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.
  3. The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.
- B. It is not a violation of subsection (a)(2)A. or B. of this section for an employer to permit an employee eighteen, nineteen or twenty years of age to sell a tobacco product.
- (6) A. No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following:
1. Alternative nicotine products;
  2. Papers used to roll cigarettes;
  3. Tobacco products other than cigarettes.
- B. A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in subsections (a)(6)A1. to 3. of this section.
- (7) Whoever violates subsections (a)(2)A., B., D., E., F., G., H., (3) or (6) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
- (8) A. Notwithstanding Ohio R.C. 2929.28(A)(2), if an offender is convicted of or pleads guilty to a violation of subsection (a)(2)A. of this section, the court shall impose a fine in the following amount:
1. Except as otherwise provided in subsections (a)(8)A.2., (a)(8)A.3., (a)(8)A.4., and (a)(8)A.5. of this section, not more than two hundred fifty dollars (\$250.00);
  2. Except as otherwise provided in subsections (a)(8)A.3., (a)(8)A.4., and (a)(8)A.5. of this section, if an offender has previously been convicted of or pleaded guilty to a violation of subsection (a)(2)A. of this section or a substantially equivalent state law or municipal ordinance, not more than five hundred dollars (\$500.00);
  3. Except as otherwise provided in subsections (a)(8)A.4. and (a)(8)A.5. of this section, if an offender previously has been convicted of or pleaded guilty to two or more violations of subsection (a)(2)A. of this section or a substantially equivalent state law or municipal ordinance, five hundred dollars (\$500.00);

4. Except as otherwise provided in subsection (a)(8)A.5. of this section, if an offender previously has been convicted of or pleaded guilty to three or more violations of subsection (a)(2)A. of this section or a substantially equivalent state law or municipal ordinance, one thousand dollars (\$1,000.00);
  5. If an offender previously has been convicted of or pleaded guilty to four or more violations of subsection (a)(2)A. of this section or a substantially equivalent state law or municipal ordinance, one thousand five hundred dollars (\$1,500),
- B. The financial sanctions required by subsection (a)(8)A. of this section are in lieu of the financial sanctions described in Ohio R.C. 2929.28(A)(2), but are in addition to any other sanctions or penalties that may apply to the offender, including other financial sanctions under that section or a jail term under Ohio R.C. 2929.24.
- (9) Whoever violates subsection (a)(2)C. of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)C. of this section or a substantially equivalent state law or municipal ordinance, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
  - (10) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981.  
(ORC 2927.02)
- (b) Transaction Scan.
- (1) For the purpose of this subsection (b) and subsection (c) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
    - A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent or employee.
    - B. "Identification card." An identification card issued under Ohio R.C. 4507.50 to 4507.52.
    - C. "Seller." A seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of subsection (a) of this section.

- D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.
  - E. "Transaction scan device." Any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.
- (2) A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder cigarettes, other tobacco products, or alternative nicotine products.
- B. If the information deciphered by the transaction scan performed under subsection (b)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.
- C. Subsection (b)(2)A. of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.
- (3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (b) and subsection (c) of this section.
- (4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:
- 1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;
  - 2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.
- B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (b)(4)A. of this section, except for purposes of subsection (c) of this section.
- C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.

- D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (c) of this section or another section of these Codified Ordinances or the Ohio Revised Code.
- (5) Nothing in this subsection (b) or subsection (c) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away or other distribution of cigarettes, other tobacco products, or alternative nicotine products.
- (6) Whoever violates subsection (b)(2)B. or (b)(4) of this section is guilty of engaging in an illegal tobacco product or alternative nicotine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars (\$1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.  
(ORC 2927.021)
- (c) Affirmative Defenses.
- (1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (a) of this section in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:
- A. A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.
- B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.
- C. The cigarettes, other tobacco products, or alternative nicotine products were sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.
- (2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (c)(1) of this section, the trier of fact in the action for the alleged violation of subsection (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (a) of this section. For purposes of subsection (c)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:
- A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is twenty-one years of age or older;

- B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (3) In any criminal action in which the affirmative defense provided by subsection (c)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.  
(ORC 2927.022)
- (d) Shipment of Tobacco Products.
- (1) As used in this subsection (d):
- A. "Authorized recipient of tobacco products" means:
1. In the case of cigarettes, a person who is:
    - a. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
    - b. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
    - c. An export warehouse proprietor as defined in Internal Revenue Code Section 5702;
    - d. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;
    - e. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
    - f. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
    - g. A person having a consent for consumer shipment issued by the Ohio Tax Commissioner under Ohio R.C. 5743.71.
  2. In the case of electronic smoking devices or vapor products, a person who is:
    - a. Licensed as a distributor of tobacco or vapor products under Ohio R.C. 5743.61;
    - b. A retail dealer of vapor products, as defined in Ohio R.C. 5741.01(C)(3), that is not licensed as a vapor distributor, as long as the tax levied by Ohio R.C. 5743.51, 5743.62, or 5743.63, as applicable, has been paid;
    - c. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;
    - d. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
    - e. A department, agency, instrumentality, or political subdivision of the federal government or of this state.
- B. "Motor Carrier," Has the same meaning as in Ohio R.C. 4923.01.
- (2) The purpose of this section is to prevent the sale of cigarettes, electronic smoking devices, and vapor products to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.

- (3) A. No person shall cause to be shipped any cigarettes, electronic smoking devices, and vapor products to any person in this municipality other than an authorized recipient of tobacco products.
- B. No motor carrier, or other person shall knowingly transport cigarettes, electronic smoking devices, and vapor products to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes, electronic smoking devices, and vapor products are transported to a home or residence, it shall be presumed that the motor carrier, or other person knew that the person to whom the cigarettes, electronic smoking devices, and vapor products were delivered was not an authorized recipient of tobacco products.
- (4) No person engaged in the business of selling cigarettes, electronic smoking devices, and vapor products who ships or causes to be shipped cigarettes, electronic smoking devices, and vapor products to any person in this municipality in any container or wrapping other than the original container or wrapping shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes, electronic smoking devices, and vapor products are shipped with the words "cigarettes", "electronic smoking devices", or "vapor products", as applicable.
- (5) A court shall impose a fine of up to one thousand dollars (\$1,000) for each violation of subsection (d)(3)A., (d)(3)B. or (d)(4) of this section.  
(ORC 2927.023)
- (e) Furnishing False Information to Obtain Tobacco Products.
- (1) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.
- (2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree. (ORC 2927.024)

**537.17 RESERVED.**

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

**537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.**

- (a) As used in this section:
- (1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
- (2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.

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

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

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

#### **537.19 HAZING PROHIBITED.**

(a) As used in this section:

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

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

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

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

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

**537.20 ILLEGAL USE OF A TRACKING DEVICE OR APPLICATION.**

- (a) As used in this section:
- (1) "Business entity" means any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state.
  - (2) "Business of private investigation" has the same meaning as in Ohio R.C. 4749.01.
  - (3) "Disabled adult" has the same meaning as in Ohio R.C. 2913.01.
  - (4) "Elderly person" has the same meaning as in Ohio R.C. 2913.01.
  - (5) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
  - (6) "Electronic monitoring device" has the same meaning as in Ohio R.C. 2929.01.
  - (7) "Law enforcement agency" means any organization or unit comprised of law enforcement officers, and also includes any federal or military law enforcement agency.
  - (8) "Ohio Protection Order" means a protection order filed or issued or a consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31, a protection order filed or issued pursuant to Ohio R.C. 2151.34, 2903.213, or 2903.214, or a no contact order issued as any of the following:
    - A. As part of a person's sentence under a community control sanction imposed under Ohio R.C. 2929.16, 2929.17, 2929.26, or 2929.27;
    - B. As a term or condition of a person's release under Ohio R.C. 2929.20;
    - C. As a post-release control sanction imposed as a condition of a person's post-release control under Ohio R.C. 2967.28;
    - D. As a term of supervision for a person transferred to transitional control under Ohio R.C. 2967.26;
    - E. As a term or condition of the intervention plan of a person granted intervention in lieu of conviction under Ohio R.C. 2951.041.
  - (9) "Person" means an individual, but does not include a business entity.
  - (10) "Private investigator" has the same meaning as in Ohio R.C. 4749.01.
  - (11) "Protection order issued by a court of another state" has the same meaning as in Ohio R.C. 2919.27.

- (12) "Tracking application" means any software program that permits a person to remotely determine or track the position or movement of another person or another person's property.
  - (13) "Tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of another person or another person's property, including an electronic monitoring device.
- (b) Except as otherwise provided in subsection (d) of this section, no person shall knowingly do either of the following:
- (1) Install a tracking device or tracking application on another person's property without the other person's consent or cause a tracking device or tracking application to track the position or movement of another person or another person's property without the other person's consent;
  - (2) If the person installed a tracking device or tracking application on another's property with the other person's consent and the other person subsequently revokes that consent, fail to remove or ensure the removal of the device or application after the other person revokes the consent.
- (c) (1) For purposes of this section, if a person has given consent for another to install a tracking device or tracking application on the consenting person's property, it is presumed that the consenting person has revoked that consent if any of the following applies:
- A. The consenting person and the person to whom consent was given are lawfully married and one of them files a complaint for divorce or a petition for dissolution of marriage from the other. Not later than seventy-two hours after being served with a complaint for divorce or a petition for dissolution of marriage, the person to whom consent was given shall lawfully uninstall or discontinue use of the tracking device or tracking application. If the person to whom consent was given cannot lawfully uninstall or discontinue use of the tracking device or tracking application, the person to whom consent was given shall notify the court in which the complaint for divorce or the petition for dissolution of marriage was filed in writing.
  - B. The consenting person or the person to whom consent was given files an Ohio protection order against the other person or an Ohio protection order is issued against the other person, and the person to be protected under the order is the consenting person. Not later than seventy-two hours after being served with the Ohio protection order, the person to whom consent was given shall lawfully uninstall or discontinue use of the tracking device or tracking application. If the person to whom consent was given cannot lawfully uninstall or discontinue use of the tracking device or tracking application, the person to whom consent was given shall notify the court that issued the Ohio protection order in writing that the person to whom consent was given has installed or is using a tracking device or tracking application on the previously consenting person's person or the person's property and cannot uninstall or discontinue its use without violating the Ohio protection order.

- (2) Revocation of consent under this subsection is effective upon the service of the petition or motion or an Ohio protection order.
- (d) This section does not apply to any of the following:
- (1) A law enforcement officer, or any law enforcement agency, that installs a tracking device or tracking application on another person's property or causes a tracking device or tracking application to track the position or movement of another person or another person's property as part of a criminal investigation, or a probation officer, parole officer, or employee of the department of rehabilitation and correction, a halfway house, or a community-based correctional facility when engaged in the lawful performance of the officer's or employee's official duties;
  - (2) A parent or legal guardian of a minor child who installs or uses a tracking device or tracking application to track the minor child if any of the following applies:
    - A. The parents or legal guardians of the child are lawfully married to each other and are not separated or otherwise living apart, and either of those parents or legal guardians consents to the installation of the tracking device or tracking application;
    - B. The parent or legal guardian of the child is the sole surviving parent or legal guardian of the child;
    - C. The parent or legal guardian of the child has sole custody of the child;
    - D. The parents or legal guardians of the child are divorced, separated, or otherwise living apart and neither parent has sole custody of the child, and both consent to the installation of the tracking device or tracking application;
    - E. The parents or legal guardians of the child are divorced, separated, or otherwise living apart, neither parent has sole custody of the child, and either only one parent consents to the installation of the tracking device or tracking application or one parent revokes consent, if the consenting parent only uses the tracking device or tracking application during that parent's parenting or custodial time and disables or removes the tracking device or application during the nonconsenting parent's parenting or custodial time.
  - (3) A caregiver of an elderly person or disabled adult, if the elderly person's or disabled adult's treating physician certifies that the installation of a tracking device or tracking application onto the elderly person's or disabled adult's property is necessary to ensure the safety of the elderly person or disabled adult;
  - (4) A person acting in good faith on behalf of a business entity for a legitimate business purpose, provided that this division does not apply to a private investigator engaged in the business of private investigation on behalf of another person;
  - (5) A. A private investigator or other person licensed under Ohio R.C. 4749.03, who is acting in the normal course of the investigator's business of private investigation on behalf of another person and who has the consent of the owner of the property upon which the tracking device or tracking application is installed, for the purpose of obtaining information with reference to any of the following:

1. Criminal offenses committed, threatened, or suspected against the United States, a territory of the United States, a state, or any person or legal entity;
  2. Locating an individual known to be a fugitive from justice;
  3. Locating lost or stolen property or other assets that have been awarded by the court;
  4. Investigating claims related to workers' compensation.
- B. This subsection does not apply if the person on whose behalf the private investigator is working is the subject of an Ohio protection order or a protection order issued by a court of another state or if the private investigator knows or reasonably should know that the person on whose behalf the private investigator is working seeks the investigator's services to aid in the commission of a crime.
- (6) An owner or lessee of a motor vehicle who installs, or directs the installation of, a tracking device or tracking application on the vehicle during the period of ownership or lease, if any of the following applies:
- A. The tracking device or tracking application is removed before the vehicle's title is transferred or the vehicle's lease expires;
  - B. The new owner of the vehicle, in the case of a sale, or the lessor of the vehicle, in the case of an expired lease, consents in writing to the non-removal of the tracking device or tracking application;
  - C. The owner of the vehicle at the time of the installation of the tracking device or tracking application was the original manufacturer of the vehicle.
- (7) A person who installs a tracking device or application on property in which the person has an ownership or contractual interest, unless the person is the subject of a protective order and the property is likely to be used by the person who obtained the protective order;
- (8) A person or business entity that installs a tracking device or tracking application on any fixed wing aircraft or rotorcraft operated or managed by the person or business entity pursuant to 14 C.F.R. part 91 or part 135 to track the position or movement of the fixed wing aircraft or rotorcraft;
- (9) A surety bail bond agent, or any employee or contractor of a surety bail bond agent, that installs a tracking device or tracking application on another person's property or causes a tracking device or tracking application to track the position or movement of another person or another person's property as part of the surety bail bond agent's, employee's, or contractor's official responsibilities or duties.
- (e) For purposes of subsection (d)(1) of this section, a probation officer, parole officer, or employee of the department of rehabilitation and correction, a halfway house, or a community-based correctional facility is engaged in the lawful performance of the officer's or employee's duties if both of the following apply:
- (1) The court or the Department of Rehabilitation and Correction imposes electronic monitoring on a person.
  - (2) The officer or employee installs or uses an electronic monitoring device on that person in accordance with the court's or department's imposition of electronic monitoring of that person.

(f) Whoever violates this section is guilty of illegal use of a tracking device or application.

- (1) Except as otherwise provided in subsection (f)(2) of this section, illegal use of a tracking device or application is a misdemeanor of the first degree.
- (2) Illegal use of a tracking device or application is a felony to be prosecuted under state law if any of the following applies:
  - A. The offender previously has been convicted of or pleaded guilty to a violation of this section, Ohio R.C. 2903.216, or Ohio R.C. 2903.211 or any substantially equivalent municipal ordinance.
  - B. At the time of the commission of the offense, the offender was the subject of a protection order issued under Ohio R.C. 2903.213 or 2903.214, regardless of whether the person to be protected under the order is the victim of the offense or another person.
  - C. Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.
  - D. The offender has a history of violence toward the victim or a history of other violent acts towards the victim.  
(ORC 2903.216)

**537.99 PENALTY.**

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

**CHAPTER 545**  
**Theft and Fraud**

545.01	Definitions.	545.11	Making or using slugs.
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		545.99	Penalty.

**CROSS REFERENCES**

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

**545.01 DEFINITIONS.**

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

- (a) "Deception" means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act or omission that creates, confirms or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.
- (b) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.
- (c) "Deprive" means to do any of the following:
  - (1) Withhold property of another permanently, or for such period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

- (2) Dispose of property so as to make it unlikely that the owner will recover it;
- (3) Accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.
- (d) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license or interest is unlawful.
- (e) "Services" include labor, personal services, professional services, rental services, public utility services, including wireless service as defined in Ohio R.C. 5507.01(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services.
- (f) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.
- (g) "Forge" means to fabricate or create, in whole or in part and by any means any spurious writing, or to make, execute, alter, complete, reproduce or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.
- (h) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver or display.
- (i) "Coin machine" means any mechanical or electronic device designed to do both of the following:
  - (1) Receive a coin, bill, or token made for that purpose;
  - (2) In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.
- (j) "Slug" means an object that, by virtue of its size, shape, composition or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token made for that purpose.
- (k) "Theft offense" means any of the following:
  - (1) A violation of Ohio R.C. 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.08, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42 to 2913.45, 2913.47, 2913.48, 2913.51, 2915.05, 2915.06, or 2921.41.
  - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (k)(1) hereof or a violation of Ohio R.C. 2913.41, 2913.81 or 2915.06 as it existed prior to July 1, 1996;
  - (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit or fraud;
  - (4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (k)(1), (2) or (3) hereof.

- (8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for the services, either in writing or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima-facie evidence of the value of the services. (ORC 2913.61)

#### **545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.**

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

- (a) A credit card;
- (b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;
- (c) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary motor vehicle license registration as prescribed by Ohio R.C. 4503.182, or any comparable temporary motor vehicle license registration as prescribed by the applicable law of another state or the United States;
- (d) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;
- (e) A blank form for any license listed in Ohio R.C. 4507.01(A).  
(ORC 2913.71)

#### **545.04 DETENTION OF SHOPLIFTERS; RIGHTS OF MUSEUMS AND LIBRARIES.**

(a) A merchant, or his employee or agent, who has probable cause to believe that items offered for sale by a mercantile establishment have been unlawfully taken by a person, may, for the purposes set forth in subsection (c) hereof, detain the person in a reasonable manner for a reasonable length of time within the mercantile establishment or its immediate vicinity.

(b) Any officer, employee or agent of a library, museum or archival institution may, for the purposes set forth in subsection (c) hereof or for the purpose of conducting a reasonable investigation of a belief that the person has acted in a manner described in subsections (b)(1) and (2) hereof, detain a person in a reasonable manner for a reasonable length of time within, or in the immediate vicinity of the library, museum or archival institution, if the officer, employee or agent has probable cause to believe that the person has either:

- (1) Without privilege to do so, knowingly moved, defaced, damaged, destroyed or otherwise improperly tampered with property owned by or in the custody of the library, museum or archival institution; or
- (2) With purpose to deprive the library, museum or archival institution of property owned by it or in its custody, knowingly obtained or exerted control over the property without the consent of the owner or person authorized to give consent, beyond the scope of the express or implied consent of the owner or person authorized to give consent, by deception, or by threat.

(c) An officer, agent or employee of a library, museum or archival institution pursuant to subsection (b) hereof or a merchant or his employee or agent pursuant to subsection (a) hereof may detain another person for any of the following purposes:

- (1) To recover the property that is the subject of the unlawful taking, criminal mischief or theft;
- (2) To cause an arrest to be made by a peace officer;
- (3) To obtain a warrant of arrest.
- (4) To offer the person, if the person is suspected of the unlawful taking, criminal mischief, or theft and notwithstanding any other provision of this General Offenses or the Ohio Revised Code, an opportunity to complete a pretrial diversion program and to inform the person of the other legal remedies available to the library, museum, archival institution or merchant.

(d) The officer, agent or employee of the library, museum or archival institution, or the merchant or his employee or agent acting under subsection (a) or (b) hereof shall not search the person, search or seize any property belonging to the person detained without the person's consent, or use undue restraint upon the person detained.

(e) Any peace officer may arrest without a warrant any person that he has probable cause to believe has committed any act described in subsection (b)(1) or (2) hereof or that he has probable cause to believe has committed an unlawful taking in a mercantile establishment. An arrest under this subsection shall be made within a reasonable time after the commission of the act or unlawful taking.

(f) As used in this section:

- (1) "Archival institution" means any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.
- (2) "Museum" means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.
- (3) "Pretrial diversion program" means a rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this State. (ORC 2935.041)

#### **545.05 MISDEMEANOR THEFT.**

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

- (b) (1) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is misdemeanor theft, a misdemeanor of the first degree. If the elements set forth in Ohio R.C. 2913.02(B) for felony theft, grand theft, or aggravated theft are met, then a violation of this section is a felony to be prosecuted under appropriate state law.
- (2) In addition to the penalties described in subsection (b)(1) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:
- A. Unless subsection (b)(2)B. of this section applies, suspend for not more than six months the offenders driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;
  - B. If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to subsection (b)(2)A. of this section, or any other substantially equivalent state or local law, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in Ohio R.C. 4510.02(A)(7), provided that the suspension shall be at least six months;
  - C. The court, in lieu of suspending the offender's driver's or commercial driver's license, probationary driver's license, temporary instruction permit, or nonresident operating privilege pursuant to subsection (b)(2)A. or (b)(2)B. of this section, instead may require the offender to perform community service for a number of hours determined by the court.
- (3) In addition to the penalties described in subsection (b)(1) of this section, if the offender committed the violation by stealing rented property or rental services, the court may order that the offender make restitution pursuant to Ohio R.C. 2929.18 or Ohio R.C. 2929.28. Restitution may include, but is not limited to, the cost of repairing or replacing the stolen property, or the cost of repairing the stolen property and any loss of revenue resulting from deprivation of the property due to theft of rental services that is less than or equal to the actual value of the property at the time it was rented. Evidence of intent to commit theft of rented property or rental services shall be determined pursuant to the provisions of Ohio R.C. 2913.72.
- (c) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under subsection (b)(2) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Ohio R.C. Chapter 4510. (ORC 2913.02)

**545.06 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS.**

(a) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(b) This section does not apply to property removed from the State or if possession is kept for more than forty-eight hours.

(c) The following are affirmative defenses to a charge under this section:

- (1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that the actor was authorized to use or operate the property.
- (2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(d) No person shall knowingly enter into or upon a motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(e) Whoever violates subsection (a) hereof is guilty of unauthorized use of a vehicle, a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of subsection (a) hereof is a felony and shall be prosecuted under appropriate State law. (ORC 2913.03)

(f) Whoever violates subsection (d) hereof is guilty of vehicle trespass, a misdemeanor of the fourth degree.

**545.07 INSURANCE FRAUD.**

(a) As used in this section:

- (1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.
- (2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.
- (3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under Ohio R.C. 3929.43; any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.
- (4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.
- (5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.

- G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subsection (b)(2)C. of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;
  - H. A place in which federal law prohibits the carrying of handguns.
- (3) A. Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this subsection (b) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.
- B.
    - 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.
    - 2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.
    - 3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

4. A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation. The immunities described in this division apply to an entity that leases its property to the nonprofit corporation or permits its property to be used by the nonprofit corporation for any purpose.
- C. 1. a. Except as provided in subsection (b)(3)C.2. of this section and Ohio R.C. 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.
- b. If a person knowingly violates a posted prohibition of the nature described in this subsection and the posted land or premises is a child care center, type A family child care home, or type B family child care home, unless the person is a licensee who resides in a type A family child care home or type B family child care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this subsection, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation

- of this subsection or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.
2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
  3. As used in subsection (b)(3)C. of this section:
    - a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.
    - b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.
- (4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.
- (5) A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.
- B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).
- C. A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- D. A fire investigator who is qualified to carry firearms while on duty under Ohio R.C. 109.774 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.

- (6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.
- B. 1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:
- a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
  - b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
  - c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.
  - d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.
2. A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies

the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".

3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.
- C.
1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.
  2. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of subsection (b)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the

requalification is valid for five years year from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under subsection (b)(6)B. of this section.

3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.
- (7) As used in subsection (b)(6) of this section:
- A. "Governing body." Has the same meaning as in Ohio R.C. 154.01.
  - B. "Government facility of this State or a political subdivision of this State" means any of the following:
    1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;
    2. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.
  - C. "Qualified retired peace officer" means a person who satisfies all of the following:
    1. The person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section.
    2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
    3. The person is not prohibited by Federal law from receiving firearms.
  - D. "Retired peace officer identification card" means an identification card that is issued pursuant to subsection (b)(6)B. of this section to a person who is a retired peace officer.
  - E. "Tactical medical professional." Has the same meaning as in Ohio R.C. 109.71.
  - F. "Validating identification." Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency. (ORC 2923.126)

(c) Posting of Signs Prohibiting Possession. Each person, board, or entity that owns or controls any place or premises identified in Ohio R.C. 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises. (ORC 2923.1212)

**549.99 PENALTY.**

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

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO. 2026-10  
SPONSOR: Councilpersons Kropp, Axiotis

**AN ORDINANCE REPEALING CERTAIN PROVISIONS OF CHAPTER 121 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF NEWTON FALLS TO ENSURE CONSTITUTIONAL COMPLIANCE, ALIGNMENT WITH STATE LAW, AND LEGAL DEFENSIBILITY**

WHEREAS, the Village of Newton Falls is a municipal corporation organized and operating pursuant to the Constitution and laws of the State of Ohio and the Village Charter; and

WHEREAS, the Village Council has a continuing obligation to ensure that its Codified Ordinances and Administrative Code are consistent with the United States Constitution, the Ohio Constitution, applicable provisions of the Ohio Revised Code, and the Village Charter; and

WHEREAS, the Village Council has undertaken a review of Chapter 121 of the Codified Ordinances with specific attention to constitutional compliance, due process considerations, and the scope of municipal authority; and

WHEREAS, the Village Law Director has issued formal legal opinions advising that certain provisions of Chapter 121 are outdated, inconsistent with controlling state and federal law, exceed municipal authority, or are not legally defensible if challenged in court; and

WHEREAS, the Village Law Director has further advised that certain provisions of Chapter 121 impose requirements or restrictions on elected officials that are not authorized by the Village Charter, state statute, or constitutional law, and therefore should be repealed; and

WHEREAS, the Village Council finds that repealing such provisions is a prudent, proactive measure to reduce legal exposure, ensure alignment with higher governing law, and promote sound municipal governance; and

WHEREAS, the Village Council further finds that the repeal of these provisions does not impair the Village's ability to conduct orderly meetings, enforce applicable laws, or rely upon existing constitutional, statutory, and common-law authority;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWTON FALLS, OHIO:

SECTION 1. The following sections of Chapter 121 of the Codified Ordinances of the Village of Newton Falls are hereby repealed in their entirety:

1. Section 121.02(c)
2. Section 121.02(d)
3. Section 121.03(g)(5)
4. Section 121.03(g)(7)
5. Section 121.03(g)(10)
6. Section 121.03(g)(11), including subsections (A) and (B)

ORDINANCE NO. 2026-10  
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In addition, Section 121.03(h) is repealed to the extent that it references, relies upon, or enforces any of the provisions repealed herein.

SECTION 2. The repeal of the foregoing provisions is intended solely to remove provisions that are unnecessary, legally vulnerable, inconsistent with higher governing law, or beyond the Village's authority. Nothing in this Ordinance shall be construed to create, imply, or authorize any replacement restriction, requirement, or enforcement mechanism unless expressly adopted by subsequent legislative action of Council.

SECTION 3. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
David Hanson, Mayor

ATTEST:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Jeff Limbian, Law Director

121.02 OFFICERS AND STAFF.

(a) City Manager; Duties. He shall make such recommendation to the Council concerning the affairs of the City as may seem to him desirable, keep Council advised monthly of the financial condition and future needs of the City, prepare and submit an annual report, and such other reports as may be required by Council, issue all licenses and permits pursuant to ordinance, and perform all other duties prescribed for him in the Charter, or impose upon him by any measure of Council.

(b) Council Staff. The City Manager, the City Clerk, the Director of Law, and the Director of Finance shall constitute the Council staff. The City Manager shall be the executive officer of the staff. The City Manager, with the help of the Council staff, the Mayor and Council, shall prepare the agenda for each regular and special Council meeting, together with necessary documentation. The agenda and such documentation shall be delivered to the Mayor and Council members, via email or to their residence or place of business, and be sent via email to the persons on the Village notice list and the person tasked with placing the agenda packet on the Village website, by noon Monday prior to the Wednesday Council meeting. Any addition to the prepared agenda governing the meeting shall be approved by a majority vote of Council members present, before it can be added to the agenda.

~~(Ord. 2023-03. Passed 2-15-23.)—(c) No current and/or former elected/appointed legislative official shall be permitted to be hired, employed, and/or monetarily compensated by the Village of Newton Falls in any way for a period of at least two calendar years from the time the official has left office for any reason (term limit, resignation, removal, etc.) unless approved by a 2/3 majority of City Council.~~

~~(Ord. 2021-11. Passed 8-16-21.)~~

~~—(d) No current and/or former elected/appointed legislative official shall be permitted to do business with the Village of Newton Falls in any way for a period of at least two calendar years from the time the official has left office for any reason (term limit, resignation, removal, etc.) unless approved by a 2/3 majority of City Council.~~

~~(Ord. 2021-12. Passed 8-16-21.)~~

121.03 RULES OF CONDUCT AND PROCEDURE.

(a) General Rules.

(1) All Council meetings shall be conducted in accordance with the City Charter, the applicable laws of the State of Ohio, and, unless otherwise herein specified, the rules and procedures outlined in "Robert's Rules of Order". Robert's Rules of Order are interpreted to

be used as an orderly means to conduct city business, and not as a methodology to hinder the process.

(2) All Council meetings shall be open to the general public and, whenever practical, advertised in advance in a newspaper of general circulation.

(3) The general public shall only be excused or excluded from meetings or portions of meetings that are legally conducted as "executive sessions" under Ohio's "Sunshine Law".

(4) Participation by the general public in the legislative process is encouraged and opportunities for public comment shall, whenever practical, be provided at every Regular Council meeting.

(5) Every member of Council shall attend each organizational, regular, special, and emergency meeting, or be excused as identified in the City Charter, Article III, Section 4.

(6) Minutes shall be recorded and maintained for all Council organizational, caucus, regular, special, and/or emergency meetings.

(7) Every member shall make reasonable efforts to notify the Clerk of Council of any expected absences from each organizational, special and emergency meetings.

(b) Regular Meetings.

(1) Council may also hold a public caucus session prior to any regular meeting in order to allow its members to be better prepared for the meeting and review the agenda for said meeting in advance. Council, with permission of the presiding officer, may also ask City staff members, the general public, and/or consultants to make presentations or disseminate essential information at any such public caucus or regular meeting. During the Public Comments and Closing Comments sections of a regular meeting, a three (3) minute time duration will be allowed to all speakers. Closing Comments may be on any topic.

(2) Rules of Debate, as set forth in subsection (j), do not apply during caucus sessions.

(c) Special Meetings. Council, with permission of the presiding officer, may also ask City staff members, the general public, and/or consultants to make presentations or disseminate essential information at any such special meeting. During the Public Comments and Closing Comments sections of a special meeting, a three (3) minute time duration will be allowed to all speakers. Public Comments shall be limited to Agenda items only.

(d) Emergency Meetings. Council, with permission of the presiding officer, may also ask City staff members, the general public and/or consultants to make presentations or disseminate essential information pertaining to the meeting subject matter at any such emergency meeting.

(e) Officers' Duties.

(1) Mayor - See Charter, Article II - The Mayor shall act as the President of Council, preserve order during those meetings, confine members to the question in debate, may represent Council or the City relating to a specific function, activity, or issue, as may be publicly authorized by Council, and shall perform all of the other duties outlined for the Mayor in the Charter. The Mayor shall be recognized as a member of Council and have the ability to place items of legislation on the agenda.

(2) Vice-President of Council - See Charter, Article II, Section 5 - The Vice-President of Council shall be elected by Council.

(3) Other Officers - Council may appoint and assign such other duties and responsibilities, not otherwise specified in the City Charter, as it deems necessary to conduct its business.

(f) Council Committees.

(1) Council by motion at any regular or special meeting may establish "standing committees" by affirmative vote of the majority of Council's total membership.

(2) In the absence of standing committees or a specific standing committee, Council shall function as a "committee-of-the-whole".

(3) Council may determine how many "standing committees" are to be established, each committee's area(s) of responsibility, and which members of Council shall be appointed to serve on each committee.

(4) In addition, Council may, from time to time, also establish "ad hoc" (special purpose or limited term) committee(s) on an "as needed" basis.

(5) Any "standing" or "ad hoc" committee of Council shall be comprised of two (2) voting members of Council, unless otherwise specified by the City Charter.

(6) Any committee of Council shall be limited in its powers and authority to acting as an arm of Council by overseeing or studying a particular issue, area of responsibility, or topic and by then reporting its findings and/or recommendations back to Council.

(7) No committee report may be forwarded to Council unless the committee has first met and authorized said report.

(8) Council committees shall have no administrative authority.

(g) Rules of Conduct.

(1) No more than one member of Council may speak at any one time at any meeting of Council.

(2) In order to speak, a member of Council must first be recognized by the presiding officer.

(3) No member of Council may solicit or accept any gift, gratuity, favor, or other form of payment from a person or firm who is under contract with the City, who is proposing to be put under contract with the City, or who otherwise provides any service or commodity to the City at the taxpayers' expense. (Article I, Section 4. CONFLICT OF INTEREST).

(4) See Charter - Article III, Section 12, INTERFERENCE WITH APPOINTMENTS. ~~(5) Foul, abusive, profane or obscene language is prohibited at all meetings of Council, regardless of the source of this language. The presiding officer shall dismiss any person from the meeting who uses such language.~~

(6) Side bar discussions between members of Council during the course of a meeting are distracting and potentially disruptive and are therefore discouraged.

~~—(7) Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature by members of Council and/or against members of Council are prohibited.~~

(8) Council shall follow the Ohio Ethics Commission ethics policy.

(9) The disclosure, to any person or party not a member of Council, of any confidential information discussed by or presented to Council in executive session, unless authorized by a majority vote of Council, is prohibited. ~~—(10) Council members shall comply with the City Drug Free Workplace Policy, excluding the Discipline Section. Discipline issues that arise concerning Council members drug test shall be controlled by Section 121.03(h) Penalties and Violations of the Rules.~~

~~—(11) Council does hereby resolve that the same standards of conduct found in subsections 121.03(g)(5)(7) shall apply to postings on the City's Facebook Page and will be administered by the City Clerk. Said guidelines are as follows:~~

~~—A. Foul, abusive, profane or obscene language is prohibited at all meetings of Council and on Facebook, regardless of the source of this language. Off topic Facebook comments may be deleted as well. The presiding officer or Facebook administrator shall dismiss any person from the meeting or the Facebook page who uses such language.~~

~~—B. Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature by members of the Facebook posts and/or against members of Council or other persons are prohibite~~

(h) Penalties for Violations of the Rules.

(1) Any member of Council who is guilty of violating any rule contained herein as a first-time offense shall be judged guilty of contempt of Council and may, for such contempt, be orally sanctioned by a majority vote of Council during any public meeting of Council.

(2) Any Council member who is guilty of a second (2) offense of contempt of Council may be verbally sanctioned or sanctioned in writing by a majority vote of Council during any public meeting of Council. If a Council member is sanctioned in writing, said sanction shall be read into the record of the next regular Council meeting.

(3) Any Council member who is guilty of three or more offenses of contempt of Council may be removed from office as allowed under Article III Section 4 REMOVAL.

(i) Sponsoring Legislation.

(1) Normally, the Council member sponsoring a particular piece of legislation will be afforded the first opportunities to discuss it after the required motion bringing it to the floor has been made and seconded. All proposed legislation must be presented to the City Clerk by not later than 3:00 p.m. on the Wednesday immediately preceding the Council meeting at which the legislation is to be presented. For additions to the prepared agenda see Codified Ordinance Section 121.02.

(2) Any addition to the prepared agenda governing the meeting shall be approved by a majority vote of Council members present, before it can be added to the agenda.

(3) All Ordinances, Resolutions and Motions proposed by the City Council shall be in written form.

(4) All written submissions shall name the presenting party as "Sponsor" of the legislation and shall be so identified by the Clerk of Council on the agenda.

(5) The naming of a Sponsor does not restrict the addition of Co-Sponsors at any time before passage of the legislation.

(6) All written submissions without inherent time documentation shall be marked with time of submission by the Clerk of Council.

(7) All submitted legislation shall be placed on the agenda in the chronological order received.

(j) Rules of Debate.

(1) Each member of Council may be recognized not more than twice on any issue at any regular, special, or emergency meeting by the presiding officer and invited to comment on an issue before Council. Each time that a voting member is recognized, he/she shall be afforded not more than three (3) uninterrupted minutes during which to make his/her

comments. After each voting member of Council has been afforded an opportunity to speak at least once on an issue, the Mayor may speak with the same limitations as those imposed upon the voting members of Council. The City Manager may also ask to be recognized by the presiding officer and, when recognized, participate in the discussion of an item before Council with the same limitations as those imposed upon the voting members of Council. Each member may ask for additional input with approval of presiding officer.

(2) This section does not apply to the caucus sessions.

(k) Order of Business. Council may hold a caucus session prior to each Regular meeting. Caucus sessions shall last no longer than one hour unless approved by a majority vote of members. The agenda for each Regular Council meetings shall include:

- (1) Call to Order
- (2) Pledge of Allegiance/Silent Prayer
- (3) Roll Call
- (4) Special Presentations by staff members or invited consultants
- (5) Public Comments (limited to those items as identified on the agenda)
- (6) Reports:
  - A. Mayor
  - B. Council Members
  - C. City Manager
  - D. Law Director
  - E. Changes to tonight's agenda
- (7) Approval of Minutes
- (8) Public Hearings
- (9) Unfinished Business
- (10) New Business
- (11) Public Comments
- (12) Closing remarks from the Mayor, City Manager, and Council Members
- (13) Motion to recess to Executive Session (if necessary)
- (14) Motion to adjourn

(l) Order of Business for Special Meetings. The agenda for each Special Council meeting shall include:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Invocation or Moment of Silence
- (4) Roll Call
- (5) Public Comments (limited to those items as identified on the agenda)
- (6) Unfinished/New Business (As identified in Special Meeting Agenda)
- (7) Motion to recess to Executive Session (if necessary)
- (8) Public Comments (limited to those items as identified on the agenda)
- (9) Motion to adjourn

(m) Order of Business for Emergency Meetings. The agenda for each Emergency Council meeting shall include:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Invocation or Moment of Silence
- (4) Roll Call
- (5) Public Comments (limited to those items as identified on the agenda)
- (6) Unfinished/New Business (As identified in Emergency Meeting Agenda)
- (7) Motion to recess to Executive Session (if necessary)
- (8) Public Comments (limited to those items as identified on the agenda)
- (9) Motion to adjourn

NOTES:

~~\* Accusations or suggestions of impropriety or illegal conduct and/or comments or attacks of a personal nature are prohibited. The presiding officer may issue a warning the first time that a speaker fails to abide by this rule but shall declare the balance of a speaker's speaking time to have been forfeited if a subsequent offense should occur.~~

\* Debates or exchanges between a speaker and a public official(s) shall be avoided.

\* The Chair shall monitor each speaker's time and shall notify the individual that his/her speaking time has expired.

(n) Amendments, Modifications or Suspensions.

(1) Council may at any time, by 2/3 majority vote, review, amend, modify, or suspend these rules or establish such other rule(s) as it may deem necessary to conduct its business.

(2) A decision of the Chair may be overturned by a majority vote of Council.

(Ord. 2022-48. Passed 10-19-22; Ord. 2024-01. Passed 2-21-24; Ord. 2024-20. Passed 5-1-24.)

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2026-13  
SPONSOR: Councilpersons Rufener, Axiotis

**AN ORDINANCE REPEALING ORDINANCE 95-05 AND REMOVING CHAPTER 739  
OF THE NEWTON FALLS CODIFIED ORDINANCES.**

WHEREAS, SB 117 was enacted on September 24<sup>th</sup>, 2007, and designated the Ohio Department of Commerce as the approving authority for all video service authorization (VSA) in the State of Ohio; and

WHEREAS, Section 1332.26, et seq. of the Ohio Revised Code outlines the authority of political subdivisions in the matter of video service and removes political subdivisions authority to grant any local franchise, or other requirement regarding the provision of video service by a video service provider; and

WHEREAS, Section 1332.26 (D) of the Ohio Revised Code establishes the customer service standards that all video service providers shall meet.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1: Ordinance 95-05 (Exhibit A) is repealed and Chapter 739 of the Newton Falls Codified Ordinance (Exhibit B) is removed from the Administrative Code in its entirety.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance was taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
David Hanson, Mayor

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Jeff Limbian, Law Director

~~CHAPTER 739~~

~~Cable Television Customer Service Standards~~

~~739.01 Customer Service Standards. \_\_\_\_\_~~

~~739.02 Cable Television Commission.~~

~~739.03 Scope; conflict.~~

~~GROSS REFERENCES~~

~~Unauthorized CATV connections – see Ohio R.C. 4933.42~~

~~739.01 CUSTOMER SERVICE STANDARDS.~~

~~—The following Customer Service Standards applicable to providers of cable television service in the City are hereby adopted:~~

~~—Any provider of cable television service in the City shall comply with the following customer service standards effective ninety (90) days after written notice of their adoption is given to the provider:~~

~~—(a) Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.~~

~~—(1) “Appointment window” means either a specific time or, at a maximum, a four-hour time block during normal business hours. The provider may schedule service calls and other installation activities outside of normal business hours for the convenience of the customer.~~

~~—(2) “Cable Commission” means the City of Newton Falls Cable Television Commission.~~

~~—(3) “Complaint” or “Subscriber Complaint” means any correspondence (written or oral) with a subscriber in which the subscriber indicates a dissatisfaction with any service provided by the provider, including, without limitation, billing, customer service, technical delivery of service, programming or rates.~~

~~—(4) “Provider” means the business entity providing cable television service under franchise with the City.~~

~~—(5) “Service interruption” means the loss of picture or sound on one or more cable channels.~~

~~—(6) “System” means the cable television service in all of its components being delivered pursuant to franchise agreement to persons or entities within the City of Newton Falls.~~

~~—(7) “Subscriber” means a person or entity with the City of Newton Falls who receives cable television service.~~

~~—(b) Subscriber Complaint Practices.~~

~~—(1) Provider shall maintain a local office with toll free telephone access for Newton Falls, which shall be open during normal business hours at least nine (9) hours per weekday and four (4) hours on Saturdays. This office shall accept payments, handle adjustments to subscriber bills, respond to installation, repair, and/or maintenance requests and other service calls. Provider shall have a publicly listed telephone number and be so operated as to receive Subscriber Complaints and requests on a twenty-four (24) hour-a-day, seven (7) days-a-week basis. At least ninety percent (90%) of the time, Provider shall connect a telephone caller to a live service representative staff member within thirty (30) seconds during the following times: 7:00 a.m. to 11:00 p.m. on Monday through Friday; 8:00 a.m. to 11:00 p.m. on Saturday; and 11:00 a.m. to 10:00 p.m. on Sundays and 10:00 a.m. to 8:00 p.m. on National Holidays with the exception of Thanksgiving, Christmas, New Years Day and July 4, which shall be 10:00 a.m. to 6:00 p.m. Provider shall maintain written or computer-generated records demonstrating, to the satisfaction of the City, its ability to meet the standards in this Section. A written log shall be maintained listing all complaints and their dispositions. A copy of all complaint records including, but not limited to, written logs pertaining to City of Newton Falls subscribers shall be provided for the Cable Commission's review at the Commission's periodic meetings.~~

~~—(2) Within Provider's local office, monitors of reasonably recent vintage shall display programming available on the local cable system allowing subscribers to view a properly received cable picture.~~

~~—(3) Provider shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the System. A written log available for City inspection shall be maintained for all service interruptions and shall be provided for the Cable Commission's review at the Commission's periodic meetings.~~

~~—(4) Work on subscriber requests for maintenance or repairs received prior to 12:00 p.m., Monday through Friday, shall be commenced the same day.~~

~~—(5) Work on subscriber requests for maintenance or repairs received after 12:00 p.m., Monday through Friday, shall be commenced within twenty-four (24) hours of the request.~~

~~—(6) Work on subscriber requests for maintenance or repairs received on Saturdays or Sundays shall be commenced within twenty-four (24) hours of the request.~~

~~—(7) Service calls for maintenance or repair shall be performed within an "Appointment Window" at no charge or a charge approved by the City or the FCC. An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted as soon as possible. The appointment shall be rescheduled, as necessary at a time convenient for the customer.~~

~~—(8) If Provider fails to correct a service problem (other than a service interruption which is governed by subsection (9) and (10) below) within twenty-four (24) hours after Provider receives notification of a service problem, Provider shall credit one thirtieth (1/30) of monthly charge for the affected tier or premium channel to the Subscriber for each twenty-four (24) hours or fraction thereof after the first twenty-four (24) hours during which a Subscriber is with reduced service. The credit shall be made automatically by Provider without requiring subscriber request. Provider shall, as part of the complaint information to be provided pursuant to subsections (1) and (3) above, inform the Commission at its periodic meetings regarding the disposition of all credits provided by Grantee to subscribers pursuant to this subsection (8).~~

~~—(9) Provider shall respond within two (2) hours to all service interruption reports affecting at least one (1) channel for five percent (5%) or more of the System's Subscribers receiving that channel.~~

~~—(10) In the event any service interruption continues for more than twelve (12) hours after Provider is first notified of the service interruption, Provider shall credit one sixtieth (1/60) of the monthly charge to all subscribers affected by the service interruption for each twelve (12) hours or fraction thereof after the first twelve (12) hours during which the Subscriber is with reduced service. The credit shall be made automatically by Provider without requiring subscriber request.~~

~~—(c) Installation.~~

~~—(1) Subscribers who request installation or maintenance or repairs shall be given the schedule option of morning, afternoon, evening (during daylight hours) or Saturday appointments. Persons requesting installation of cable service shall be afforded a right of recision between the time cable service is requested and the time service is actually installed. All new installations, reconnects, service upgrades or downgrades shall be performed within seven (7) business days of the date the order was placed by the Subscriber. If a Provider representative is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient to the Subscriber.~~

~~—(2) Only those homes which require drops in excess of 125 feet shall be required to pay for Provider's materials and time at the rate per foot for each foot beyond 125 feet. All other installations shall be performed at the advertised installation rate. For the purposes of this paragraph, the term "drop" shall mean the shortest lineal distance from the distribution line to the nearest point of the home.~~

~~—(d) Subscriber Information. Provider shall provide to the City and all new Subscribers and, at least once a year to existing Subscribers, written Subscriber service information in conspicuous print which shall include, but not be limited to, the following:~~

~~—(1) The procedure for investigation and resolution of Subscriber service complaints, including the name and telephone number of the secretary of the Cable Commission with the City;~~

~~—(2) Programming service, rates, and charges for all Services, including public access related charges;~~

~~—(3) Billing practices as required by subsection (e) hereof;~~

~~—(4) A/B switch (if any);~~

~~—(5) Service termination procedures;~~

~~—(6) Change in service procedures;~~

~~—(7) Refund and credit policy;~~

~~—(8) Office hours;~~

~~—(9) Converter/VCR hookup information and use instructions;~~

~~—(10) Pay per view; and~~

~~—(11) Parental control devices.~~

~~—(e) Subscriber Billing Practices.~~

~~—(1) Provider shall notify each of its Subscribers, through the written service information, of its billing practices. The service information shall describe Provider's billing practices including, but not limited to, the following: frequency of billing, time periods upon which billing is based, advance billing practices, security deposit requirements, charge for late payments or returned checks, payments required necessary to avoid account delinquency, availability of credits for service outages, procedures to be followed to request service deletions including the notice period a Subscriber must give to avoid liability for such services and procedures to be followed in the event of a billing dispute.~~

~~—(2) Provider shall notify all affected Subscribers not less than thirty (30) days prior to any charge in the billing practices and such notice shall include a description of the changed practice.~~

~~—(3) The Subscriber bill shall contain the following information presented in plain language and format and in conspicuous print:~~

~~—A. Name and address of Provider;~~

~~—B. The period of time over which each chargeable service is billed including prorated periods as a result of the establishment and termination of service;~~

~~—C. Each rate or charge levied for programming services, equipment provided, and other services or items offered;~~

~~—D. The amount of the bill for the current billing period, separate from any balance;~~

~~—E. Provider's telephone number and a statement that the Subscriber may call this number with any questions or Complaints about the bill; and~~

~~—F. The date on which payment is due from the Subscriber.~~

~~—(4) The account of a Subscriber shall not be considered delinquent until at least thirty (30) days have elapsed from the due date of the bill, which shall be a date certain. The following provisions shall apply to the imposition of late charges on Subscribers:~~

~~—A. Provider shall not impose a late charge on a Subscriber unless a Subscriber is delinquent, Grantee has given the Subscriber written notice of the delinquency in a clear and conspicuous manner, and the Subscriber has been given at least eight (8) business days from the mailing of the notice to pay the balance due.~~

~~—(Ord. 95-05. Passed 2-20-95.)~~

~~—B. The total late charge for any delinquent bill shall not exceed five percent (5%) of the amount of the delinquent bill or three dollars (\$3.00), whichever is larger. (Ord. 95-15. Passed 6-5-95.)~~

~~—C. No late charge may be assessed on the amount of a bill in dispute if found in favor of the Subscriber.~~

~~—D. Any charge for returned checks shall be reasonably related to the cost incurred by Grantee in processing such checks.~~

~~—(5) In the event Provider provides bills, statements, invoices, or notices to Subscribers which separately itemize the portion or portions of Provider's charges which are attributed to any tax or fee, the itemization format first shall be reviewed by the City. At a minimum, if Provider itemized any tax or fee on subscriber's bill, Provider shall itemize all of its taxes or fees in a like manner. In no event shall any such itemization by Provider be inconsistent with applicable law.~~

~~—(6) Service to Subscribers with delinquent accounts may be terminated only after the account is 45 or more days past due and the subscriber has been given at least 2 notices of delinquency and notice that service will be disconnected on or after a date certain if the account is not paid by a date certain.~~

~~—(f) Parental Control Option. Provider shall provide, free of charge, or for a charge approved by the City or the FCC, parental control devices to all subscribers who wish to be able to delete any objectionable programming from the cable service entering the Subscriber's home.~~

~~—(g) Periodic Subscriber Survey.~~

~~—(1) Commencing in 1995, and every two (2) years thereafter, Provider shall conduct a written random survey of City Subscribers in a form and manner approved by the City.~~

~~Each questionnaire shall be prepared and conducted in good faith so as to provide reasonably reliable measures of Subscriber satisfaction with:~~

- ~~— A. Signal quality;~~
- ~~— B. Response to Subscriber Complaints;~~
- ~~— C. Billing practices;~~
- ~~— D. Programming services; and~~
- ~~— E. Installation practices.~~

~~— (2) The survey shall be conducted in conformity with such requirements, including supervision and review of returned surveys, as the City may prescribe. Grantee may satisfy the requirements of this subsection through a telephone survey conducted by an independent person approved by the City who is in the business of regularly conducting telephone surveys.~~

~~— (3) Provider shall provide the City with the results of the survey and shall report in writing the steps Provider is taking to implement the findings of the poll survey, such as correcting problems and expanding services. The City shall have the right to receive a copy of the results of the survey directly from the surveyor.~~

~~— (h) Charges for Disconnection or Downgrading of Service.~~

~~— (1) Provider may impose a charge reasonably related to the Provider's actual cost incurred for a downgrade of service, except that no such charges may be imposed when:~~

~~— A. A Subscriber requests total disconnection from the System; or~~

~~— B. A Subscriber requests the downgrade within a thirty (30) day period following any rate increase or substantial change in programming relative to the service in question.~~

~~— (2) If a Subscriber requests disconnection from service prior to the effective date of an increase in rates or substantiated change in programming, the Subscriber shall not be charged the increased rate if Provider fails to disconnect service prior to the effective date. Any Subscriber who has paid in advance for the next billing period and who requests disconnection from service shall receive a prorated refund of any amounts paid in advance.~~

~~— (i) Orders and Penalties. The Cable Commission pursuant to powers hereinafter provided may make orders and assess monetary penalties against the Provider for violation of any of the Customer Service Standards set forth herein. The order may require the Provider to undertake an activity which the Provider is required to undertake pursuant to these Customer Service Standards and may assess a penalty not to exceed three hundred dollars (\$300.00) per day for each day that the Provider fails to comply with the order. An order of the Commission shall be final only after a hearing and referral to Council as set forth hereinafter.~~

~~—(Ord. 95-05. Passed 2-20-95.)~~

~~739.02 CABLE TELEVISION COMMISSION.~~

~~—(a) There is hereby created a Cable Television Commission of the City which shall consist of three members; two members shall be members of the Newton Falls City Council and the third member shall be the City Manager. City Council shall appoint the two Council members to the Commission at the same time they designate other committee appointments in January of each year. The Commission shall have a secretary designated by its membership.~~

~~(Ord. 2002-43. Passed 1-6-03.)~~

~~—(b) The Commission shall have the following duties and responsibilities:~~

~~—(1) The hearing of complaints of subscribers made in writing to the Commission regarding alleged violation of the customer service standards set forth in this chapter. The Commission shall endeavor to informally resolve all such complaints. In the event any complaint is unable to be informally resolved, a hearing shall be held by the Commission on the complaint with at least ten days' written notice to the provider and the complainant. After hearing, the Commission shall make findings and conclusions and issue an order and/or assess a penalty, if appropriate. All normal decisions of the Commission regarding customer service shall be subject to review by Council which may act to affirm, overrule or modify the decision of the Commission or any aspect of the decision within thirty days of announcement of the decision. In the event Council takes no action within such thirty-day period, the decision of the Commission shall be deemed final.~~

~~—(2) The Commission shall have responsibility for reviewing requests for the establishment of all cable rates and rate changes and making recommendations for approval or disapproval to Council. In reviewing requests by a provider for initial rates or for rate changes, the Commission may utilize City staff and/or outside professional assistance at the direction of the City Manger. The provider shall reimburse the City for the cost of any outside professional assistance in reviewing rate changes to the extent permitted by law. After review of a rate request, the Commission shall make a recommendation to Council for approval or disapproval. No cable television rate shall be deemed approved or disapproved until approved or disapproved by Council. The Commission shall hold a public hearing on all requests for rate changes.~~

~~—(c) The Commission shall establish a schedule of regular meetings and shall meet at such regularly scheduled meetings at least four times per year. The Commission may hold special meetings to review particular complaints or rate change requests or other matters. Notice of special meetings shall comply with the City's general notice requirements for special meetings of its boards and commissions and shall include written notice to all providers. The Commission, with the assistance of the Law Department, may establish its own rules to govern the conduct of its meetings. (Ord. 95-05. Passed 2-20-95.)~~

~~739.03 SCOPE; CONFLICT.~~

~~—The provisions of this chapter shall supersede any inconsistent provisions in any franchise agreements for the provision of cable television service. Specifically, the customer service standards are adopted pursuant to Ohio Law and Section 632 (47 U.S.C. S 552) of the Cable Television Consumer Protection and Competition Act of 1992 and Federal Communications Commission regulations adopted thereunder.~~

~~{Ord. 95-05. Passed 2-20-95.}~~

~~CODIFIED ORDINANCES OF NEWTON FALLS~~

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2026-07  
SPONSOR: Councilpersons Axiotis, Rufener

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A POLE ATTACHMENT AGREEMENT**

WHEREAS, the Village of Newton Falls is willing to permit Cable and/or Phone Companies, to place and maintain aerial cables, wires and associated appliances to certain poles owned by the Village of Newton Falls; and

WHEREAS Cable and/or Phone Companies agree to pay the Village of Newton Falls an annual attachment charge for each pole owned by the Village of Newton Falls to which they make attachments.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1: The City Manager is hereby authorized to enter into a pole attachment agreement with cable and/or phone companies. Said agreement marked "Exhibit A" attached hereto and made a part hereof as if fully rewritten herein.

SECTION 2. That all formal action of this Council concerning and relating to the adoption of this Ordinance was taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
David Hanson, Mayor

ATTEST:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Jeff Limbian, Law Director

**POLE ATTACHMENT AGREEMENT**

**BETWEEN**

**The Village of Newton Falls, Ohio  
Licensor**

**AND**

---

**Licensee**

**\_\_\_\_\_ , 2026**

**POLE ATTACHMENT AGREEMENT**

**BETWEEN**

**The Village of Newton Falls, Ohio**

**AND**

**[COMPANY]**

THIS ***POLE ATTACHMENT AGREEMENT*** (hereinafter “Agreement”), entered on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_ by and between The Village of Newton Falls (hereinafter “Licensor”), Trumbull County, Ohio, a municipal corporation organized and existing under the laws of the State of Ohio, having its principal office located at; 612 W. Broad St., and \_\_\_\_\_ (hereinafter “Licensee”), an Ohio corporation organized and existing under the laws of the State of Ohio or a foreign corporation registered to do business in the state of Ohio with the Ohio Secretary of State. (The Licensor and the Licensee shall hereinafter be known collectively as the “Parties”.)

WHEREAS, Licensee furnishes communications services, and desires to place and maintain its equipment, including, but not limited to aerial cables, antennas, transceivers, amplifiers, wires, and associated hardware, installed by Licensee, (hereinafter cumulatively referred to as “Equipment”) on Licensor’s electric poles now in existence or hereafter served by Licensor’s electric system; and

WHEREAS, Licensor will permit, subject to the terms and conditions set forth herein, attachment of Licensee’s Equipment to its poles. Licensor has the right to grant such attachments, provided such use will not interfere with Licensor’s own utility service requirements, or the existing attachments of other Licensee’s contracted use of the Licensor’s poles.

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions herein contained, the Parties do hereby mutually agree as follows:

**ARTICLE I**  
**SCOPE OF AGREEMENT**

**1.1 Service Area.**

This Agreement shall be in effect in all areas where Licensor provides electric utility service and shall apply to all electric utility poles solely owned or controlled by Licensor.

**1.2 Authorization.**

Subject to the provisions of this Agreement, Licensor grants to Licensee, and Licensee accepts from Licensor, a non-exclusive license to occupy, place and maintain Licensee's Equipment on Licensor's poles including the use of drop service poles, unless otherwise excluded by separate addendum. No use of poles, regardless of the length of extended agreement, nor payment of fees, nor charges required under this Agreement, shall create or vest in Licensee any ownership or property rights in such poles or related easements. Licensee's rights herein shall remain a mere license.

**1.3 Assignment.**

Licensee may not assign its rights under this Agreement to any other entity without Licensor's prior written consent.

**1.4 Facility Removal.**

Upon termination of this Agreement for any reason, and subject to the provisions of applicable law, Licensee, at the request of Licensor, shall remove, at Licensee's expense, all of Licensor's Equipment from poles within six (6) months unless granted greater time by Licensor. In the event Licensee fails to remove all of Licensee's Equipment within the time specified, Licensor may remove the Licensee's Equipment at Licensee's expense. Licensor shall incur no liability as a result of such action, and nothing in this Agreement shall be construed to require Licensor to store or salvage all or any part of Licensee's Equipment.

**1.5 Authorizations Required.**

Licensee shall secure all authorizations, franchises, licenses, permits, easements and consents required for the construction, operation and maintenance of the Licensee's Equipment. If any authorizations, franchises, licenses, permits, easements or consents obtained by Licensee are subsequently revoked or denied for any reason, Licensor may revoke Licensee's permission to attach Licensee's Equipment to Licensor's poles, and this Agreement shall be null and void.

**1.6 Term; Renewal; Termination.**

(a) Initial Term. This Agreement shall become effective upon the date of execution and shall continue in effect for an initial term of three (3) year.

(b) Renewal. Upon expiration of the Initial Term, this Agreement shall renew for one (1) year periods only upon mutual written agreement of the Parties.

(c) Termination. After the Initial Term, either Party may terminate this Agreement at any time, with ninety (90) days written notice. Upon such notice, this Agreement shall terminate upon the later of (a) the termination date specified in the termination notice, if any, or (b) six (6) months after the date of the termination notice. If this Agreement is terminated, the contract terms and conditions, including the applicable rates, shall continue as stated herein for a period of six (6) months, or for such period as agreed by the parties in writing.

**ARTICLE II**  
**PLACING, TRANSFERRING OR REARRANGING ATTACHMENTS**

**2.1 Permit Application.**

Before making attachment to any pole of Licensor, Licensee shall submit a permit application (Schedule A) and receive from Licensor a permit for such attachment. No attachments, overlash, transfer, or occupancy shall occur absent an express written authorization issued by the Licensor. "Overlashing" shall be defined as "The practice of attaching new cables directly onto existing Licensee cable bundles or supporting Licensee strands on utility poles." Overlashing shall require prior written approval following Licensor's engineering review to assure load, clearance, safety, or reliability impacts that may occur.

## **2.2 Field Inspection/Make-ready Survey.**

In the event of Licensee's intent to install new attachments, a Field Inspection/Make-ready Survey shall be the responsibility of the Licensee. When Licensor receives an application for attachment or overlash, a Field Inspection/Make-ready survey shall be performed at Licensee's expense to determine the adequacy of the existing poles and anchors to accommodate Licensee's Facilities. Licensor may perform the Field Inspection portion of the Make-Ready survey and Licensee may be present with Licensee's notification in writing.

## **2.3 Grant or Denial of Access.**

Except as otherwise provided by law, Licensor reserves the right to deny Licensee access to any pole, where there is insufficient capacity on a pole or for reasons of safety, reliability or generally applicable engineering standards. No attachment, overlash, transfer, or occupancy shall occur absent an express written authorization issued by Licensor. Failure of Licensor to act within any referenced timeframe shall not constitute approval, consent, or grant of access.

## **2.4 Make-ready.**

(A) Whenever any pole to which Licensee seeks attachment or occupancy can and must be modified or replaced solely to accommodate Licensee's equipment, Licensor will provide Licensee with a detailed estimate of make-ready work it deems necessary to prepare the pole for Licensee's equipment; such estimate shall include an estimate of the time that will be needed to complete the work. Licensor will provide Licensee with such estimate in fourteen (14) days. After receiving this estimate, if Licensee still desires to make the equipment attachments, Licensee shall notify Licensor within fourteen (14) days of receiving such estimate of such continuing desire to attach, and shall pay to Licensor any required advance payment for the cost of such make-ready work, which may include engineering, materials (including poles and associated hardware), cost of removal (less any salvage value), and the expense of transferring Licensor's facilities, as well as the attachments of other preexisting occupants, from the old to the new poles if required solely to accommodate Licensee's equipment. Where the advance payment of estimated expenses made to Licensor by Licensee for both non-replacement make-ready and replacements is less than the actual cost of work described above, Licensee agrees to pay Licensor the amount more than the amount of the advance payment. Where the advance payment of estimated expenses made to Licensor by Licensee exceeds such actual costs, Licensor agrees to refund the excess payment to Licensee. Licensor shall promptly commence

the requested make-ready and pole replacement work and shall complete all requested make-ready and pole replacement work within fourteen (14) days. Licensee shall not be responsible for any make ready costs required to cure pre-existing violations of the NESC or other applicable requirements.

(B) Notwithstanding the above, at its option, and with the consent of Licensor, Licensee may choose a contractor, which meets industry standard qualifications and criteria, to perform make-ready work on its behalf. In secured areas where safety or system reliability concerns are an issue, Licensor may require an escort to supervise the work of Licensee's agents. Licensor shall also retain the right to perform post-installation inspections, at Licensee's expense, to ensure Licensee's agents' work meets Licensor's standards. The Licensor shall be the sole determiner of safety, reliability, training, insurance, and operational considerations in accordance with provisions of this Agreement and such Licensor approval shall be provided in accordance with these provisions.

(C) Licensor shall be responsible for notifying other parties with existing attachments or occupancy and coordinating the make-ready work necessary to accommodate Licensee's attachments.

## **2.5 Multiple Applications.**

Unless otherwise required by applicable laws or contracts with third parties in existence prior to January 1, 2026, when applications to occupy the same pole have been received from two or more prospective occupants, all necessary accommodations needed for their respective equipment, each such prospective occupant shall bear the applicable costs of rearrangement or replacement incurred in conjunction with its own application.

## **2.6 Modifications and Cost Allocation.**

If a pole to which Licensee has previously made an attachment or occupancy is to be modified or replaced due to the requirements of another attaching entity, including Licensor, except when such modification is for the purpose of performing routine maintenance or to respond to an emergency situation, Licensor shall provide Licensee with forty-five (45) days' notice of the proposed modification or replacement so that Licensee can determine whether it wishes to add to or modify its existing attachment or occupancy in connection with the proposed modification or replacement. In the event Licensee decides to add to or modify its existing attachment or occupancy in connection with the proposed modification or replacement, Licensee shall give notice to Licensor of its intent

within thirty (30) days of receipt of notice from Licensor. Any such additions or modifications desired by Licensee shall be made at Licensee's sole cost. The allocation of further costs of pole modification or replacement shall be as follows:

(A) If Licensor replaces or modifies a pole to accommodate the Licensor's own requirements or to ensure compliance with regulatory, legal, or technical standards applicable to Licensor, Licensor shall bear the costs of replacement or modification and Licensee shall bear the costs to transfer or rearrange Licensee's attachments;

(B) If Licensor replaces or modifies a pole solely to accommodate the new attachments of Licensee or to accommodate modifications of Licensee's attachments, Licensee shall bear the costs of such replacement or modification as well as the cost of transferring or rearranging the attachments of Licensee and other Licensees on the Licensor's pole;

(C) In the event that Licensor replaces or modifies a pole to accommodate the new or modified attachments of other Licensee, that Licensee shall bear the cost of replacement or modification as well as the cost of transferring or rearranging the attachments of all Licensee on the pole.

## **2.7 Pole Maintenance.**

(A) Licensee, at its sole expense and risk and by the terms of this Agreement, shall place, transfer, and rearrange its own attachments on poles or place guides to sustain any unbalanced pole loads caused by its own attachments, and perform any tree trimming incidental thereto. Licensee always shall perform such work promptly and in such manner as not to interfere with the service of Licensor or by other pole occupant, except to the extent Licensee determines that an emergency situation requires such work to be performed in a manner in which interference cannot be reasonably avoided, with any expenses occasioned by such emergency shall be borne by the Licensee.

(B) In the event Licensor determines that a declared emergency is an actual emergency, Licensor may arrange to relocate, replace, remove, renew or disconnect Licensee's equipment and transfer equipment to substituted poles or perform any other work in connection with Licensee's equipment that may be required during the emergency. Licensor shall provide Licensee with the notice of the situation as soon as practicable so that Licensor and Licensee, if possible, may coordinate responses to the emergency.

(C) Licensee shall be responsible for trimming and cutting all trees, shrubbery, and other vegetation in the vicinity of its equipment as necessary for the operation of its own equipment at its own expense. Notice shall be made within two (2) business days to Licensor. For routine maintenance, property owner(s) must be provided notice within two (2) business days of any tree trimming or vegetation cutting on Licensor's property to be performed by Licensee, unless Licensee reasonably determines that an emergency situation requires such work to be performed in a manner that advance notice is not possible; in an emergency, Licensee shall provide notice of the situation as soon as reasonably practicable.

## **2.8 Drop Poles.**

Notwithstanding any other provision, after initial installation of its Equipment, Licensee shall have the right to attach non-current carrying service drops to drop poles, if there is adequate space to accommodate Licensee's attachment, subject to Licensor review and approval through periodic reporting and subject to suspension where safety, clearance, or capacity concerns arise. Once approved by Licensor, Licensee shall provide thirty (30) day notice before such attachment. Licensee shall forward a notice of attachment quarterly for billing adjustments.

## **2.9 Continuous Operation.**

Licensee shall not interfere with the normal operation of Licensor's equipment during Licensee's performance of any construction or maintenance, and that Licensee is to provide and use all protective equipment and practices necessary for the protection of Licensee's employees and equipment and to prevent interferences with normal operation of Licensor's facilities, equipment and services.

## **2.10 Compliance with to Safety Codes.**

Licensee shall place its equipment attached to Licensor's poles in a safe condition and in thorough repair, and in compliance with the requirements and specifications set forth in applicable Federal and State law, the National Electrical Safety Code in effect as of the time of attachment ("NESC") and the applicable rules and regulations of the Occupational Safety and Health Act. In the event the NESC is updated, all new equipment installed by Licensee after the effective date of the updated NESC shall comply with the applicable requirements of the updated NESC, unless such

changes to the NESC require application to existing facilities. Licensor shall apply to Licensee only such specifications, standards and practices as are uniformly applied to all third parties attached to Poles.

**2.11 Non-Interference with Licensor Facilities.**

Licensee always shall ensure that its agents, servants, employees, and contractors neither take nor attempt to take any action whatsoever to interfere with Licensor's wires, attachments, and other facilities attached to or supported by poles covered by this Agreement.

**ARTICLE III  
INSPECTIONS**

**3.1 Post-Installation and Safety Inspections.**

Licensor reserves the right to inspect each new Licensee installation on poles and in the vicinity of Licensor's lines. Licensor also reserves the right to make reasonable periodic inspections as such conditions may warrant, to determine if Licensee's construction complies with the approved shop drawings, construction drawings, and/or applicable safety codes or laws.

**3.2 Facilities Inventory.**

(A) Licensee and Licensor acting in cooperation for purposes of rendering bills shall tabulate the total number of Licensee attachments on Poles. This tabulation shall be based on a perpetual inventory of permits and/or inspections.

(B) Within one (1) year from the start date of this Agreement, Licensor shall conduct an initial inventory of Licensee's attachments to verify the number of poles on which Licensee has attached its equipment and may conduct subsequent inspections as set forth herein. Subject to the provisions of Section 3.3, all such attachments found in the initial inventory shall be considered provisionally authorized for billing purposes only, subject to verification of compliance with all safety, permitting, and engineering standards. Licensee shall forthwith cure violations of the requirements of Section 2.10 caused by such attachments that are attributable to Licensee. Licensor shall provide thirty (30) days' notice of any such initial inventory so that Licensee may

be present and observe such inventory. The cost of such inventory of Licensee's attachments to poles shall be Licensee's responsibility.

(C) 1. Subsequent to the initial inventory described above, inventories of Licensee's attachments to poles may be conducted, at Licensee's expense, no more often than once every five (5) years, in Licensor's discretion, either by Licensor or an independent contractor for the performance of such physical inventory through the Licensor's usual process for acquisition of such services supplemented by Licensee as noted above.

2. Licensor may, at its discretion, conduct inventories in addition to those described above in Section 3.2(C)1, but Licensee shall not be responsible for any of the costs of any such additional inventory.

### **3.3 Inventory Disparity.**

(A) Except for attachments identified in the initial inventory described above in Section 3.2, in the event the number of poles to which Licensee has attached its equipment differs from the number shown in Licensor records, Licensor may demand from Licensee, for each pole with an unauthorized attachment, an unauthorized attachment penalty not in excess of an amount approximately equal to the otherwise applicable annual pole attachment fees for the number of years since the most recent inventory or five (5) years, whichever is less. This penalty shall be imposed in lieu of any amounts recoverable for unpaid annual fees. Upon thirty (30) days' notice from Licensor to Licensee of the location of an unauthorized attachment, Licensee shall either apply for a permit or remove its attachment. If Licensee fails to either apply for a permit or remove its attachment within thirty (30) days, Licensor shall have the right to remove the unauthorized attachment at the sole risk and expense of Licensee.

(B) If the total number of poles results in a decrease in the number of poles to which Licensee has attached for any year during such period, Licensor shall refund to Licensee the fees previously paid for such poles for such years. If the duration of such period of non-attachment cannot be determined, it will be presumed that such equipment shall have been non-attached for a period of two (2) years.

## **ARTICLE IV ABANDONMENT OF JOINT POLES AND REMOVAL OF ATTACHMENTS**

**4.1 Notice.**

Licensee, at any time, may remove its equipment from any pole of Licensor, and shall give Licensor written notice within thirty (30) days of such removal. Licensee will pay Licensor a pro-rated annual fee amount for the portion of the payment period during which Licensee attached to such poles.

**4.2 Pole Removal, Abandonment or Relocation.**

If Licensor desires at any time to remove, abandon or relocate any pole, it shall give Licensee notice in writing to that effect at least 90 days prior to the date on which it intends to abandon or relocate such pole. If, at the expiration of such period, Licensor has no attachments on such pole but Licensee has not removed all of its attachments from such pole, Licensor may in its sole discretion and in accordance with applicable law, transfer the pole to Licensee, abandon the pole or remove the pole. In the event Licensee agrees to accept such pole, Licensee shall hold Licensor harmless from all obligation, liability, damages, costs, expenses or charges incurred thereafter, and not arising out of any prior event or occurrence theretofore as a result of any attachments to such pole. In the case of relocation, Licensee shall ensure that its equipment is removed in a timely manner, but no later than ninety (90) days from the receipt of Licensor's notice.

**ARTICLE V  
POLE ATTACHMENT FEE AND PROCEDURE FOR PAYMENTS**

**5.1 Pole Attachment Fee.**

Pole attachment rates shall be established based on a documented cost-of-service analysis and may be adjusted by resolution of Village Council of Licensor upon ninety (90) days written notice. Nothing herein shall require the Licensor to charge less than its reasonable costs of administration, inspection, inventory, and infrastructure burden.

**5.2 Billing Cycle.**

The billing cycle will be executed on an annual basis.

### **5.3 Payment Due Date.**

Pole attachment fees shall be invoiced annually. The invoice will reflect the number of attachments as of the first day of such billing month. Invoices shall be considered delinquent if not paid within thirty (30) days of receipt. If Licensor does not receive fee within thirty (30) days after it becomes due, Licensee shall pay interest in the amount of 10% of the total invoice to Licensor.

## **ARTICLE VI LIABILITY AND INSURANCE**

### **6.1 Indemnity and Allocation of Liability.**

The Parties shall exercise reasonable care to avoid interference with or interruption in the provision of the other's services. The Parties shall exercise reasonable care to avoid damage to the facilities of each other, to the facilities of other attaching entities on poles or to other persons or their property. Licensee shall indemnify, defend, and hold harmless the Licensor, its elected officials, officers, employees, and agents from any and all claims, damages, losses, liabilities, costs, and expenses, including reasonable attorney fees, arising out of or relating to Licensee's equipment, acts, omissions, or breach of this Agreement, except to the extent caused by the sole negligence or willful misconduct of the Licensor.

### **6.2 Insurance Requirements.**

Licensee shall carry and keep in force, while this Agreement is in effect, insurance contracts, policies and protection satisfactory to Licensor in amounts and for coverage deemed necessary for its protection by Licensee, but in no event for amounts or coverage less than the following minimum requirements:

(A) Commercial General Liability Insurance (including, but not limited to premises, operations, explosion, collapse and underground hazard, broad form property damage, products/completed operations, contractual liability, independent contractors, personal injury) with limits of \$2,000,000 combined single limit bodily injury and property damage for each occurrence.

(B) Licensee shall also carry and keep in force, while this Agreement is in effect, Workers' Compensation insurance in compliance with the applicable law and employer's liability insurance with minimum limits of \$1,000,000 per occurrence.

(C) Licensee shall furnish Licensor with certificates of insurance showing that such insurance is in effect and will not be cancelled or modified without thirty (30) days' prior written notice to the Licensor.

(D) Licensor shall be an additional insured on such policies.

## **ARTICLE VII** **TERMINATION AND DEFAULTS**

### **7.1 Default.**

If Licensee shall default in any obligation under this Agreement, Licensor may, in the event Licensee fails to cure such default in accordance with Section 7.3 below, in its sole reasonable discretion either (i) terminate Licensee's use of poles covered by this Agreement which are the subject of the default or (ii) terminate this Agreement in its entirety.

### **7.2 Termination Effective Date.**

Any termination of this Agreement in its entirety shall be effective by written notice from one Party to the other, and termination shall be effective upon ninety (90) days' notice. Any termination regarding particular poles shall be effective in forty-five (45) days.

### **7.3 Opportunity to Cure.**

Prior to exercising any right to terminate this Agreement in its entirety pursuant to Section 7.1, Licensor shall provide notice to Licensee and Licensee will have an opportunity to cure within sixty (60) days. Prior to exercising any right to terminate the use of any pole pursuant to Section 7.1, Licensor shall provide notice to Licensee and Licensee shall have thirty (30) days or within such time frame as is reasonable to affect which cannot be completed in thirty (30) days, to cure.

### **7.4 Liquidated Damages.**

In the event this agreement is terminated because of Licensee's default or noncompliance, Licensor may retain unused prepaid fees to the extent related to actual costs incurred, and such retention shall not operate as a penalty. Such liquidated damages shall not preclude legal action in the event the default of noncompliance damages exceed the prepaid charges or attachment fees.

**ARTICLE VIII**  
**MISCELLANEOUS PROVISIONS**

**8.1 Survival.**

The obligations of the parties under this Agreement, to the extent that they arose while the Agreement was in effect and remained unfulfilled at the time of termination, shall survive both the termination of this Agreement and/or the termination of any permit or license granted hereunder. Any such termination shall not release either party from any liabilities, claims, or obligations arising hereunder including, but not limited to, indemnities which may have accrued or are accruing prior to or at the time of termination.

**8.3 Waiver.**

Failure to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a general waiver or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.

**8.4 Entire Agreement.**

This Agreement, and the Schedules and Exhibits attached hereto, embodies the entire Agreement and understanding of the Parties with respect to the subject matter hereof and supersedes all prior agreements between the Parties hereto for attachment of Licensee's equipment to poles. This Agreement may be amended only upon the mutual agreement of both Parties. The Parties agree that this Agreement does not relieve Licensee from complying with Licensor's generally applicable rights of way, franchising, construction or permitting requirements for users of Licensor's rights of way or other public property or for companies providing service within Licensor's jurisdiction.

**8.5 Notice.**

Any notice hereunder may be given only in writing, by Certified, Registered or Return Receipt Requested United States first class mail, postage prepaid or by a nationally recognized overnight carrier service.

If given to Licensor, addressed to:

Village of Newton Falls  
Attn: Finance Department  
612 W. Broad St.  
Newton Falls, OH 44444

If given to Licensee, addressed to:

**8.6 Compliance with Laws and Regulations.**

Each Party shall comply with all applicable federal, state and local statutes, ordinances, resolutions, regulations, rules, judicial decisions, and administrative rulings applicable to its performance under this Agreement. In the event of a change in any applicable federal or state law that requires modifications to any of the provisions of this Agreement, such change shall be effective as required by law. Nothing in this Agreement shall be construed to limit the Licensor's legislative, regulatory, or police powers, including the adoption of ordinances or policies of general applicability.

**8.7 Applicable Law; Disputes.**

This Agreement shall in all respects be subject to and construed in accordance with and governed by the laws of the United States and the State of Ohio. Any litigation brought by either party shall be brought solely in Trumbull County Court or The Federal Court in Northeast Ohio.

**8.8 Severability.**

Except as otherwise provided herein, the invalidity or unenforceability of any particular provision, or part thereof, of this Agreement shall not affect the other provisions, and this Agreement shall continue in all respects as if such invalid or unenforceable provision had not been contained herein.

**8.9 Force Majeure.**

Neither Party shall be liable for any delay or failure in performance of any part of this Agreement if due to a cause beyond its control and without its fault or negligence including, without limitation, acts of nature, acts of civil or military authority, governmental regulations, embargoes, epidemics, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, other major environmental disturbances, or unusually severe weather conditions,

**9 Exhibits.**

This Agreement shall include all Schedules, Appendices and Exhibits referenced in this Agreement and attached hereto as if the Schedules, Appendices and Exhibits were part of the Agreement.

Schedule A - Pole Attachment Application

Schedule B – Fee Schedule

*[SIGNATURES ON FOLLOWING PAGE]*

IN WITNESS WHEREOF, the parties hereto have their respective officers who are duly authorized to execute this Agreement below.

Licensor:  
**VILLAGE OF NEWTON FALLS**

Date: \_\_\_\_\_

By \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

**LICENSEE:**

**Date:** \_\_\_\_\_

**By** \_\_\_\_\_

**Name** \_\_\_\_\_

**Title** \_\_\_\_\_

**Schedule A – Pole Attachment Application**

**Pole Attachment Application  
for the  
Village of Newton Falls, Ohio**

The applicant’s rights, obligations, and remedies relating to this application are set forth in, and governed solely by, the Pole Attachment Agreement by and between the Village of Newton Falls, Ohio (“Licensor”) and the applicant hereunder (“Licensee”).

Incomplete applications will be returned to the Licensee without further action by the Licensor. Required information includes the completed application, proposed schedule, prints and maps, proposed route and project description.

Application Information

Application # \_\_\_\_\_ Date \_\_\_\_\_

Applicant Name \_\_\_\_\_

Applicant Representative \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Project Description (Attach if necessary)	No. of Municipality poles	No. of foreign poles	Planned Install Date

Proposed Cable Installation \_\_\_\_\_

Existing Cable Installation \_\_\_\_\_

No. of cables to install \_\_\_\_\_

Existing cable count \_\_\_\_\_

Fiber count \_\_\_\_\_

Existing pole count \_\_\_\_\_

Pole count \_\_\_\_\_

Cable(s) diameter \_\_\_\_\_

[to be attached]

Cable diameter \_\_\_\_\_

Strand(s) diameter \_\_\_\_\_

Nearest street address of attachment	MAPSCO Grid No.	Municipality Grid No.

**Applicant**

By: \_\_\_\_\_

Name: \_\_\_\_\_

## Schedule B - Fee Schedule

Per Pole/Per Year

<u>YEAR</u>	<u>RATE</u>
2019	\$7.00
2026	\$11.00

The rate for each year after 2026 to increase at an annual rate of 2% over the prior year's rate.