



<b>Joe Dike</b>	<b>Joel Hagy</b>	<b>Monty Tapp</b>	<b>Mark Claus</b>	<b>Sam Artino</b>	<b>William Biddlecombe</b>	<b>Matt Grieves</b>
Councilmember	Councilmember	Mayor	Vice-Mayor	Councilmember	Councilmember	Councilmember

## **CITY COUNCIL — REGULAR COUNCIL MEETING**

Tuesday, April 12, 2022 @ 6:30 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

- I. Call To Order** Moment of Silence followed by the Pledge of Allegiance to the Flag
- II. Roll Call of City Council**
- III. Approval of Minutes**
  - III.a** Minutes of Council work session of November 23, 2021.
  - III.b** Minutes of the regular Council meeting of March 8, 2022.
  - III.c** Minutes of regular Council meeting of March 22, 2022.
- IV. Audience Comments** Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)
- V. Old Business**
- VI. New Business**
  - VI.a** Ordinance No. 2022-9  
An ordinance to revise the Codified Ordinances by adopting current replacement pages.
  - VI.b** Ordinance No. 2022-19  
An ordinance approving the vacation plat of a portion of Kirkwood Road relating to the petition of Stephen, Julie and Megan West.
  - VI.c** Ordinance No. 2022-23  
An ordinance consolidating a 00.7210 acre portion of PPN 42-6127.000 and a 10.5716 acre portion of PPN 42-61270.001 into a single parcel (ConAgra parcel).
  - VI.d** Resolution No. 25-2022  
A resolution awarding the bid to Northstar Contracting relating to the Huron Fish Cleaning Facility Project.
  - VI.e** Resolution No. 36-2022  
A resolution authorizing an agreement with OHM Advisors for the provision of engineering inspection services related to the Huron Fish Cleaning Facility Project.
  - VI.f** Resolution No. 43-2022  
A resolution authorizing an agreement with the Huron Chamber of Commerce for the Lake Front Market event.

**VI.g Resolution No. 44-2022**

A resolution authorizing a letter of support to the US Department of Transportation relating to a funding request from ODOT relating to the US 6 Connectivity Corridor Project.

**VI.h Resolution No. 45-2022**

A resolution authorizing commitment of City funds in the amount of \$1,000,000.00 toward the US 6 Connectivity Corridor Including Sandusky Bay Pathway Project.

**VI.i Resolution No. 46-2022**

A resolution amending an agreement with the State of Ohio, Office of the Auditor for the annual audit for calendar year 2020.

**VI.j Resolution No. 47-2022**

A resolution authorizing a grant application to Ohio Division of Commerce State Fire Marshall for fire department equipment replacement.

**VII. City Manager's Discussion**

**VIII. Mayor's Discussion**

**IX. For the Good of the Order**

**X. Executive Session(s)**

**XI. Adjournment**



**TO:** Mayor Artino and City Council  
**FROM:** Terri Welkener , Clerk of Council  
**RE:** Ordinance No. 2022-9  
**DATE:** April 12, 2022

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### **Subject Matter/Background**

Ordinance 2022-9 authorizes and accepts replacement pages to the 2021 Codified Ordinances, as prepared by the Walter Drane Company, based on legislation adopted by City Council through February, 2022, as well as any changes made by the State pertaining to the Traffic Code and General Offenses Code during this same time period. A copy of the replacement pages are attached hereto as Exhibit "1".

Upon adoption of this ordinance, the 2022 Codified Ordinances will be uploaded to the City website and replacement pages inserted into administrative hard copy versions. If any members of Council or Council Committee members retain the Codified Ordinances either electronically or in hard copy, please delete/discard and make the replacement with the update through February 28, 2022 Codified Ordinances.

### **Financial Review**

The matter has been reviewed and while there are no costs associated with the acceptance of the updated Codified Ordinance pages, there are costs (filing fees, etc) associated with the preparation of these Ordinances by Walter Drane Company, which costs have been included in the 2022 Municipal Budget. Fees for this service are based on the number of pages that require revision, updating the internet version, PDF, thumb drive, and hard copy.

### **Legal Review**

The matter has been reviewed by the administration, follows normal legislative procedure, and is properly before you. The Ohio Revised Code is modified several times during the year. These changes do not affect the codified ordinances until the City Council considers an ordinance adopting changes. Ratification of this legislation will allow local officers the ability to pursue charges under the updated code sections.

### **Recommendation**

If Council is in support of the request, a motion to adopt Ordinance 2022-9 is in order.

[Ordinance No. 2022-9 Exhibit 1.pdf](#)

[Ordinance No. 2022-9.rtf](#)

INSTRUCTIONS FOR INSERTING  
FEBRUARY 2022 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES OF HURON

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

Discard Old Pages

Insert New Pages

PRELIMINARY UNIT

Cover and Certification Page	Cover and Certification Page
3, 4	3, 4
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PART ONE - ADMINISTRATIVE CODE

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Discard Old Pages

Insert New Pages

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PART THIRTEEN - BUILDING CODE

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PART FIFTEEN - FIRE PREVENTION CODE

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**CODIFIED  
ORDINANCES  
OF THE  
CITY OF  
HURON  
OHIO**

Local legislation current through February 8, 2022

State legislation current through December 31, 2021

CERTIFICATION

We, Monty Tapp, Mayor, and Terri S. Welkener, Council Clerk of Huron, Ohio, pursuant to Ohio R.C. 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Huron, Ohio, as revised, rearranged, compiled, renumbered as to sections, recodified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Huron, Ohio, 1980, as amended to February 8, 2022.

/s/ Monty Tapp  
Mayor

/s/ Terri S. Welkener  
Council Clerk

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

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**THE CITY OF HURON**  
**ROSTER OF OFFICIALS**  
**(February 2022)**

**OFFICERS**

City Manager	Matthew Lasko
Service Director	Stuart Hamilton
Director of Law	Todd A. Schrader
Clerk of Council	Terri S. Welkener
Finance Director	Cory Swaisgood
Police Chief	Bob Lippert
Fire Chief	(position vacant at this time)
Building Official	John A. Zimmerman
Municipal Court Judge	William Steuk
Clerk of Courts	Julie Ortega
Parks and Recreation	Doug Steinwart
Street Foreman	Steve Didelot
Water Superintendent	Jason Gibboney
Planning Director	Erik Engle

**COUNCIL MEMBERS**

Monty Tapp, Mayor  
Mark Claus, Vice Mayor  
Sam Artino  
William Biddlecombe  
Joe Dike  
Joel Hagy  
Matt Grieves

**PLANNING COMMISSION**

Gary Boyle, Chair  
Bob Howell  
Mark Claus  
Mark Cencer  
Jim Hartley

**BOARD OF BUILDING AND  
ZONING APPEALS**

Frank Kath, Chair  
JoAnne Boston  
Jim Shaffer  
Lisa Brady  
Scott Slocum



The publisher  
expresses their appreciation to

**TERRI S. WELKENER**  
Clerk of Council

and all other officers and employees who  
gave their time and counsel to the  
codification of the City Ordinances  
and the preparation  
of current replacement pages

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Account	135.02	<b>FIRE CODE)</b>	
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inspections; correction		unlawful conduct	1519.03
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powers; duties	143.02	requirements	1519.06
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conditional industrial	
uses	1131.02(f)(4)
established; boundaries	1121.05
general provisions	1125.05
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<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2017-6	3-28-17	1519.02	2020-25	9-22-20	521.06
2017-7	3-28-17	175.01, 175.02	2020-26	9-22-20	149.01(a)
2017-9	4-25-17	1133.09	2020-30	10-13-20	1125.02(a)
2017-10	4-25-17	1126.15	2020-36	12-8-20	161.04(a)
2017-13	5-9-17	Repeals 1126.01, 1126.03, 1126.13	2020-37	12-8-20	161.04.1
2017-15	5-23-17	931.02, 931.03, 931.04	2020-42	12-22-20	305.04
2017-16	5-23-17	923.01, 923.03, 923.05, 923.07	2021-5	2-23-21	135.06
2017-17	5-23-17	175.01, 175.02	2021-6	2-23-21	135.07
2017-24	6-27-17	509.10	2021-7	3-23-21	1369.01 to 1369.13, 1369.98, 1369.99
2017-27	6-27-17	379.01 to 379.04, 379.99	2021-8	3-23-21	1121.04(69), 1123.01(a)(7), 1123.02(a)(4)
2017-46	12-27-17	161.04	2021-9	3-23-21	1133.03(c)(6)
2017-47	12-27-17	161.04.1	2021-15	4-27-21	305.04
2018-3	2-13-18	165.03	2021-16	4-27-21	305.04
2018-10	5-22-18	1121.08	2021-18	5-11-21	557.01 to 557.08, 557.99
2018-12	6-26-18	1121.04	2021-22	7-13-21	305.04
2018-13	6-26-18	1125.05	2021-23	7-13-21	305.04
2018-15	6-26-18	751.01 to 751.19, 751.99	2021-24	7-13-21	305.04
2018-19	7-10-18	305.01, 305.02	2021-25	7-13-21	301.04, 301.19, 301.20, 301.361, 301.51, 303.06(a) (2), 311.03, 331.14(a), 331.15 (b), 331.37(a), 331.44(a), 373.01, 373.02(f), (g), 373.03(a), 373.04 (a), 373.05 to 373.08(a), 373.09 (a)
2018-23	8-28-18	1505.01	2021-29	8-10-21	1369.98(c), 1369.99(a)
2018-26	9-11-18	305.01, 305.02	2021-35	10-26-21	305.04
2018-27	9-11-18	1321.06	2021-36	10-26-21	1129.06, 1129.11, 1139.02, 1141.01 to 1141.05, 1141.08 to 1141.10, 1141.99, 1313.02, 1313.03
2018-28	9-25-18	305.01, 305.02	2022-2	1-11-22	161.04
2018-33	1-18-19	1369.01 to 1369.09	2022-3	1-11-22	161.04.1
2018-34	1-8-19	905.01, 905.02, 905.07, 905.08	2022-4	1-11-22	305.04
2018-37	12-11-18	161.04	2022-5	2-8-22	Ch. 1127 Appx. A
2018-38	12-11-18	161.01.1	2022-7	1-25-22	1307.01
2019-9	7-23-19	1121.04, 1125.03, 1126.05, 1126.09, 1126.17			
2019-12	6-25-19	1307.01 to 1307.03, 1307.99			
2019-18	8-27-19	159.03, 159.05			
2019-30	12-10-19	164.04			
2019-31	12-10-19	161.04.1			
2019-33	3-10-20	1369.01 to 1369.08			
2019-34	3-10-20	189.02, 189.03, 189.07, 189.08			
2020-3	3-10-20	1123.01(a), 1123.02(a)			
2020-12	6-23-20	1321.05, 1321.06, 1321.09, 1321.11, 1321.12			
2020-13	7-14-20	1321.06(d)			



TABLE C - VACATING OF STREETS AND ALLEYS

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Vol. p. 236	7-13-75	Part of Huron St.
Vol. p. 48	10-28-84	Part of Railroad Ave.
Vol. p. 48	1-10-85	Part of Stowe Ave.
Vol. p. 55	6-28-87	Portions of Main and Walls Sts.
Vol. p. 72	9-12-99	Part of Lake St.
Vol. p. 192	12-27-27	Part of Sandusky St.
Vol. p. 193	12-27-27	Part of Lake Rd.
Vol. p. 195	3-12-28	Part of Meeker Ave.
67	11-28-38	Parts of Berlin Rd. (formerly Florence Rd.), River Rd., and Berlin Rd. as relocated.
131	4-23-45	B St., Centre Ave. and Breckenridge Ave., south of the Cleveland Highway.
161	4-28-47	West St., in Outlot 5 of the Old Town Plat.
272	10-26-53	Portion of Mills St.
296	6-13-55	Part of Washington Ave.
1961-7	12-11-61	Portion of north one-half of Van Ransalaer St.
1962-15	5-28-62	Portions of Superior Drive (formerly Lake and Central Sts.)
1963-13	3-25-63	Vacating (narrowing) part of Reifer Ave. from Adams Ave. north to Federal Route 6 bypass.
1963-30	9-9-63	Vacating Pearl St. in August Klein's Subdivision.
1965-18	9-13-65	Richland Ave. from Shore Dr. to Lake Erie Shoreline.
1966-21	4-11-66	Portion of Main St. between South and Wall Sts.
1967-3	2-13-67	Portion of Edgewater Dr.
1967-13	4-10-67	Portion of Van Rensalaer St.
1971-33	5-10-71	Portion of South St. lying east of Main St.
1973-26	6-4-73	Portions of Main St., Cleveland Rd. West and all of Fries St.
1975-63	11-24-75	Portion of Shirley St.
1976-8	3-22-76	Vacating Homestead Dr.
1978-2	1-3-78	Vacating Scott St. from Wilbor Ave. to Wilder Ave.
1981-1	1-12-81	Linden Dr. between Atwood Place and Richland Ave.
1990-5	3-26-90	Portion of West St.
2001-8	2-26-01	Portion of Superior Dr.
2007-11	6-12-07	A portion of Van Rensalaer St.
2010-2	1-12-10	The fifty foot right of way off Forest Hills Drive between 115 Forest Hills Drive and 201 Forest Hills Drive.
2013-6	2-26-13	Norwood Road by the request of the City.
2013-13	3-26-13	Repeals Ordinance 2013-6 relating to the vacation of Norwood Road.
2013-19	5-14-13	Norwood Road by the request of the City and after holding a public hearing.
2015-27	8-13-15	That portion of Main Street within the City as determined to be no longer needed for public use and as a necessary component of the Main Street Reconnection Project.
2021-39	11-23-21	A portion of Sawmill Parkway consisting of approximately .04225 acres immediately adjacent to PPN: 42-02021.000.
Res. 49-2021	8-10-21	A conditional vacation agreement with Stephen A. West, Julie A. West and Megan C. West pursuant to their petition to the City requesting vacation of a portion of Kirkwood Road.

TABLE C - VACATING OF STREETS AND ALLEYS (Cont.)

<u>Ord. No.</u> <u>Res.</u>	<u>Date</u>	<u>Description</u>
53-2021	8-24-21	A conditional vacation agreement with Ardagh Metal Beverage USA Inc. pursuant to their petition to the City requesting vacation of a portion of Sawmill Parkway Adjacent to Erie County Permanent Parcel Number 42-02021.000 containing approximately 0.4225 acres.

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

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2017-32	8-8-17	Authorizing a purchase agreement with most reverend Daniel E. Thomas, Bishop of the Roman Catholic Diocese of Toledo in America, for the acquisition of property located on Rye Beach Road, Huron, Ohio, at an amount not to exceed \$68,750.00.
2018-39	12-11-18	Acknowledging the donation of 7.51 acres of real property, identified as Erie County Permanent Parcel Number 45-00486.00 to the City.
2019-6	4-9-19	Authorizing sale of a portion of certain real property located on the Water Filtration and Services Complex property to Key Real Estate Ltd.
2019-7	4-23-19	Authorizing the City Manager to enter into an agreement with the Dona J. Didion Living Trust U/A/D 11/4/93 and as amended thereafter, to purchase certain parcels of real property known as Permanent Parcel Nos. 43-00087.000, 43-00257.000, 43-0098.000, 43-00258.000, 43-00099.000, 43-00136.000 and 43-00137.000.
2020-43	6-23-20	Authorizing the City Manager to authorize Seeley, Savidge, Ebert & Gourash, Co., LPA to proceed with formal legal action to Quiet Title on Erie County Permanent Parcel No. 42-01077.000 (commonly known as the "Showboat" Lands).
2021-30	8-24-21	Authorizing the acceptance of a conveyance of parcels of real property from Sawmill Creek LLC; approving a reconveyance to Sawmill Creek LLC as provided by Section 5709.41(B) of the Ohio Revised Code; authorizing a Transfer and Indemnification Agreement in connection with such land transfer.
2021-38	11-23-21	Accepting two (2) portions of Erie County Permanent Parcel No. 42-02021.000 containing 0.2848 acres of land owned by Ardagh Metal Beverage USA Inc. for purposes of expansion of the existing Sawmill Parkway right-of-way for the construction of the Sawmill Parkway Improvement.

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2012-23	6-12-12	415 Huron Street, City Lot #126 /Parcel 42-01325.000 from R-3 (Multi-Family Residential) to B-1 (Neighborhood Business).
2012-24	6-12-12	413 Huron Street, City Lot #127 /Parcel 42-60100.000 from P-1 (Off Street Parking) to B-1 (Neighborhood Business).
2012-25	6-12-12	74 Mills Street, City Lot #129 /Parcel(s) 42-00367.000 and 42-00365.000 from B-1 (Neighborhood Business) to P-1 (Off-Street Parking).
2012-46	6-12-12	A .2116 portion of 512 Berlin Road, from R-3 (Multi-Family Residential) to B-3 (General Business).
2016-33	12-27-16	Approximately 4.2909 acres of vacant land located on North Port Lane, Parcel Number 42-00666.000, from the current R-2 (One and Two Family PUD) to R-1 (One Family PUD).
2019-11	7-23-19	Approximately 94.7 acres of land located at 1101 Rye Beach Road, Parcel Number 42-67003.000, from the current R-1 (Single Family Residential) to B-3 (General Business) PUD and to include the parcel in the Planned Industrial Overlay Zone.
2022-6	2-8-22	Approximately 11.4 acres of land owned by the City, located on the North Side of Cleveland Road, Erie County, Ohio Permanent Parcel Number 42-61270.001 from the Current I-2 (General Industrial) to MU-GD (Multi-Use Granary District).

- (v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (ORC 1.02(A))
- (w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures. (ORC 1.59(J))

### **101.03 RULES OF CONSTRUCTION.**

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly. (ORC 1.42)

(b) Singular and Plural; Gender Tense. As used in the Codified Ordinances, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular.
- (2) Words of one gender include the other genders.
- (3) Words in the present tense include the future. (ORC 1.43)

(c) Calendar; Computation of Time.

(1) Definitions.

- A. "Week" means seven consecutive days.
  - B. "Year" means twelve consecutive months.
- (ORC 1.44)

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. (ORC 1.45)

- (3) A. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.
- B. When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.
- C. As used in subsections (c)(1) and (c)(2) of this section, legal holiday means the following days:
  - 1. The first day of January, known as New Year's Day;
  - 2. The third Monday in January, known as Martin Luther King, Jr. Day;
  - 3. The third Monday in February, known as Washington-Lincoln Day;
  - 4. The day designated in the "Act of June 28, 1968", 82 Stat. 250, 5 U.S.C. § 6103, as amended, for the commemoration of Memorial Day;
  - 5. The nineteenth day of June, known as Juneteenth day;
  - 6. The fourth day of July, known as Independence Day;
  - 7. The first Monday in September, known as Labor Day;
  - 8. The second Monday in October, known as Columbus Day;

9. The eleventh day of November, known as Veteran's Day;
  10. The fourth Thursday in November, known as Thanksgiving Day;
  11. The twenty-fifth day of December, known as Christmas Day; and
  12. Any day appointed and recommended by the Governor of this state or the President of the United States as a holiday.
- D. If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday.  
(ORC 1.14)

- (4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)
- (5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

#### **101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.**

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein. (ORC 1.57)

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance.  
(ORC 1.54)

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

- (1) Affect the prior operation of the ordinance or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
- (4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the ordinance as amended. (ORC 1.58)

#### **101.05 CONSTRUCTION OF SECTION REFERENCES.**

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof. (ORC 1.55)

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included. (ORC 1.56)

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances. (ORC 1.23)

#### **101.06 CONFLICTING PROVISIONS.**

(a) If there is a conflict between figures and words in expressing a number, the words govern. (ORC 1.46)

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail. (ORC 1.51)

- (c) (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.
- (2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation. (ORC 1.52)

#### **101.07 DETERMINATION OF LEGISLATIVE INTENT.**

(a) In enacting an ordinance, it is presumed that:

- (1) Compliance with the constitutions of the State and of the United States is intended;
- (2) The entire ordinance is intended to be effective;
- (3) A just and reasonable result is intended;
- (4) A result feasible of execution is intended. (ORC 1.47)

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective. (ORC 1.48)

(c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:

- (1) The object sought to be attained;
- (2) The circumstances under which the ordinance was enacted;
- (3) The legislative history;
- (4) The common law or former legislative provisions, including laws upon the same or similar subjects;
- (5) The consequences of a particular construction;
- (6) The administrative construction of the ordinance. (ORC 1.49)

#### **101.08 SEVERABILITY.**

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable. (ORC 1.50)

#### **101.99 GENERAL PENALTY.**

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.



(n) "Part-time employee" means a person who is paid by the hour, and does not receive any of the fringe benefits as set forth in other sections of this Code.

(o) "He, him and his" shall also mean when used in this Code, she, her and hers.

(p) "Administrative employee" means the City Manager, Director of Finance, Fire Chief, Police Chief and Police Captain.

(Ord. 1976-35. Passed 12-13-76; Ord. 1985-20. Passed 7-22-85.)

#### **161.04 POSITION AND SALARY SCHEDULE.**

(a) The position and salary schedule, marked Exhibit "A", which is attached hereto and made a part of this Code shall be effective as of January 1, 2022.

(b) The Personnel Officer, in conjunction with department and division heads and subject to the approval of the City Manager, shall annually review and make recommendations to Council for changes in the following schedule.

(c) The adopted position and salary schedule shall provide the basis for compensation of all municipal employees. The City Manager shall adopt an administrative policy, subject to approval of the City Council, to address those positions which are in existence and have not attained the minimum base salary range or have exceeded the maximum base salary range. A position may be assigned a salary lower than the minimum base salary range or higher than the maximum base salary range provided for that salary grade of that position, but is subject to administrative policy. Prior to appointment of a new employee, the City Manager shall consult the position and salary schedule for determination of placement within the relevant classification. Appointments shall normally be made at the minimum rate for the specified pay scale. Evaluation of an appointee's qualifications and experience shall be considered and may provide the basis for compensation in excess of the minimum base salary.

(d) Salary increases within an established range shall not be automatic, but can be given on the following bases:

- (1) A merit increase recommended, in writing, to the City Manager by the appropriate department or division head and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (2) A merit increase recommended and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (3) An across the board increase granted to all salaried employees and recommended by the City Manager.
- (4) A change in the employee's classification.

(e) Salary increases granted on the basis of subsection (d)(1), (2) and (3) hereof are dependent on the provisions of moneys appropriated in the annual appropriation ordinance. Salary increases granted on the basis of subsection (d)(1) and (2) hereof shall not be granted to an employee more frequently than once in each six months. No salary advancement shall be given before the employee completes the first six months of his probationary period. However, when the minimum salary for the particular position is increased during such employee's probationary period, such employee shall be compensated at such higher salary from the date of the passage of the salary ordinance.

(f) The salary rate established for an employee shall represent his total remuneration, not including reimbursement for official travel and except as otherwise provided, in this chapter (overtime pay, cost-of-living allowance, premium pay and/or on-call status). No reward, gift or other thing of value received from any source for the performance of his duties shall be retained by an employee. Notwithstanding the foregoing, employees of the Police Division, during off-duty time, may accept special duty assignments for police work only when authorized by the Police Chief.

(g) Whenever an employee works for a period less than the regularly established number of hours per day, days per week or weeks per month, the amount paid shall be proportionate to the time actually employed.

(h) All full-time salaried employees except department heads, administrative employees and Fire Division employees shall be compensated for each hour worked in excess of forty hours per week at a rate equal to one and one-half times their straight rate.

All full-time employees of the Fire Division shall be compensated for each hour worked in excess of 212 hours during any twenty-eight day work period at a rate equal to one and one-half times their straight rate.

Authorization of all overtime shall be under the control of the City Manager. If any full-time salaried employee, other than department and division heads, requests the City Manager to grant compensatory time off in lieu of compensation for such employee's authorized overtime, the City Manager shall be authorized but not required to allow such request.

The City Manager shall be authorized, but not required, to grant compensatory time off to those administrative employees not entitled to overtime compensation at such times and to such extent that the City Manager, in his sole discretion deems justifiable under the circumstances relating to each such administrative employee.

(i) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1988-2, passed January 25, 1988.)

(j) Each employee of the Division of Utilities and of the Division of Streets and Parks, when placed on a standby basis by the department or division head, shall receive compensation in addition to his regular salary in an amount equal to one hour of such employee's regular rate for each such day on call.

(Ord. 1976-35. Passed 12-13-76; Ord. 1980-10. Passed 2-4-80; Ord. 1982-2. Passed 1-25-82; Ord. 1983-30. Passed 11-28-83; Ord. 1985-20. Passed 7-22-85; Ord. 1985-32. Passed 12-16-85; Ord. 1986-2. Passed 1-13-86; Ord. 2014-33. Passed 12-23-14; Ord. 2022-2. Passed 1-11-22.)

**161.04.1 FULL-TIME SALARIES OF THE LAW DIRECTOR, FINANCE DIRECTOR, SERVICE DIRECTOR, FIRE CHIEF AND POLICE CHIEF.**

The following positions and commensurate salaries are effective January 1, 2022:

<u>Position</u>	<u>Base Salary</u>
Law Director	\$150,000.00
Finance Director	\$99,559.90
Service Director	\$107,000.00
Fire Chief	\$87,737.71
Police Chief	\$87,737.71

(Ord. 2022-3. Passed 1-11-22.)

**161.05 APPLICATIONS AND APPLICANTS.**

(a) All entrance examinations shall be publicly announced by the Personnel Officer by publication in at least one newspaper of general circulation in the City and in such other ways as he deems necessary or desirable. The announcement shall specify the title of the position for which the examination is to be held; the time, place and manner of making applications; the closing date for applications and any other information deemed pertinent by the Personnel Officer.

(b) Applications shall be made on forms prescribed by the Personnel Officer.

(c) The Personnel Officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required or which is not received within the time limit fixed for filing for the position. Notice of such rejection shall be given to the applicant, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(d) All applicants must be citizens of the United States, of good moral character, of temperate habits, of sound health and physically able to perform the duties of the position applied for. (Ord. 2002-23. Passed 10-14-02.)

(e) The Personnel Officer shall make written inquiry of employers, educational institutions and character references given by the applicant to verify the statements made in the application. If the facts so ascertained indicate the unsuitability of the applicant, the Personnel Officer may reject his application and notify him to that effect, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(f) Every applicant for entrance examination for the uniformed fire service shall be, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, at the time of application, no less than twenty years of age and not over thirty-nine years of age. However, in a case where an applicant has had experience in the State of fire work, the Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served.

(g) Every applicant for entrance examination in the uniformed police service shall, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, have successfully completed the Basic Peace Officers Training course at the time of his or her original appointment as a police officer in the Police Division. However, in case where an applicant has had experience in the State in police work, the Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served. (Ord. 1994-10. Passed 6-13-94.)

(h) Every applicant for entrance examination for the uniformed police service and fire service shall pay an application fee established by the Personnel Officer in an even dollar amount calculated to cover the cost of the examination forms and study materials. (Ord. 1994-33. Passed 12-19-94.)

#### **161.06 EXAMINATIONS.**

(a) All examinations shall be of such type as will test fairly the relative capacity and fitness of the applicants to discharge efficiently the duties for which the examination is given. Their content shall be determined by the Personnel Officer and he shall be responsible for the evaluation of the results. The examinations may be written or oral, physical or performance tests, and may be any combination of these.

(b) The Personnel Officer may require applicants to submit proof of their age, citizenship and military service at the time of the examination.

(c) Each person who takes an examination shall be given written notice as to whether he passed or failed such examination and of his relative standing on the eligible list, if he was successful. Each person shall be entitled to inspect his own papers, but not those of other candidates, during regular office hours, under the supervision of the Personnel Officer.

(d) Before any person is appointed as a probationary employee, he shall be required to submit to a medical examination administered by a physician selected for that purpose by the Personnel Officer with the approval of the City Manager. A certificate by such physician, in a form prescribed by the City Manager, that the person so examined is in good health and is physically capable of performing the duties of the position, shall be prerequisite to appointment. The expense of this pre-employment physical examination shall be paid by the City.

(e) The City Manager may require the medical examination of any employee at any time during the term of the employee's service or as a prerequisite to call back for employment as set forth in Section 161.12(b). The expense of medical examinations prescribed in this section shall be paid by the City.

(f) Whenever in the judgment of the City Manager, Personnel Officer and the division head, positions above the entrance level should be filled by promotion, a promotional examination shall be given. Eligibility to take a promotional examination shall be determined by the Personnel Officer with the approval of the City Manager. Promotions shall be based upon a written competitive examination, length of service, a written evaluation from the department or division head and a personal interview by the City Manager, Personnel Officer and division head. The Personnel Officer shall determine the content of the examinations and shall be responsible for the evaluation of the results. Examinations shall be competitive unless the Personnel Officer finds that the number of persons qualified for promotion is insufficient to justify competition, in which case the promotional examination shall be noncompetitive in character, or as otherwise provided in Section 8.09 of the Charter. The Personnel Officer shall give written notice of the promotional examination which shall set forth the date, time and place and procedures and rules, as determined by the Personnel Officer which apply to the promotional examination.

(g) The Personnel Officer shall maintain a register of applicants for positions as laborers in the order of the time of their application. As vacancies occur, such applicants shall be given a noncompetitive examination on their ability to read and write and to understand oral instructions. Successful candidates shall be certified to the appointing officer and the one tentatively selected by him shall take a preappointment physical examination. If found physically qualified he may be appointed. (Ord. 1976-35. Passed 12-13-76.)

## CHAPTER 303 Enforcement, Impounding and Penalty

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| <p><b>303.01</b> Compliance with lawful order of police officer; fleeing.</p> <p><b>303.02</b> Traffic direction in emergencies; obedience to school guard.</p> <p><b>303.03</b> Officer may remove ignition key.</p> <p><b>303.04</b> Road workers, motor vehicles and equipment excepted.</p> <p><b>303.041</b> Emergency, public safety and coroner's vehicles exempt.</p> <p><b>303.05</b> Application to persons riding, driving animals upon roadway.</p> <p><b>303.06</b> Freeway use prohibited by pedestrians, bicycles and animals.</p> <p><b>303.07</b> Application to drivers of government vehicles.</p> | <p><b>303.08</b> Impounding of vehicles; redemption.</p> <p><b>303.081</b> Impounding vehicles on private residential or agricultural property.</p> <p><b>303.082</b> Private tow-away zones.</p> <p><b>303.083</b> Impounding vehicles on public property.</p> <p><b>303.09</b> Providing false information to police officer.</p> <p><b>303.99</b> General Traffic Code penalties.</p> <p><b>303.991</b> Committing an offense while distracted penalty.</p> |
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### CROSS REFERENCES

See sectional histories for similar State law  
Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62 et seq.  
Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.  
Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34  
State point system suspension - see Ohio R.C. 4507.40  
Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06  
Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13  
Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15  
Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

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### **303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.**

(a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(EDITOR'S NOTE: Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.)

(c) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. Except as hereinafter provided, a violation of subsection (b) is a misdemeanor of the first degree. A violation of subsection (b) is a felony if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

- (1) In committing the offense, the offender was fleeing immediately after the commission of a felony;
- (2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;
- (3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(d) In addition to any other sanction imposed for a violation of subsection (a) of this section or a misdemeanor violation of subsection (b) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A)(1) of that section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in Ohio R.C. 4510.021. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection.  
(ORC 2921.331)

### **303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.**

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

(b) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned.

(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.

### **303.03 OFFICER MAY REMOVE IGNITION KEY.**

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership.  
(ORC 4549.05)

- D. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
- E. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of Ohio R.C. 4505.101.

In order to comply with the requirements of subsection (a)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:
  - A. It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.
  - B. It is well-lighted.
  - C. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.
- (b)
  - (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.
  - (2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.
  - (3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(c) If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the

transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

- (d) (1) Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section.  
The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.
- (2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.
- (e) (1) If an owner of a private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:
  - A. The vehicle's license number, make, model and color;
  - B. The location from which the vehicle was removed;
  - C. The date and time the vehicle was removed;
  - D. The telephone number of the person from whom the vehicle may be recovered;
  - E. The address of the place from which the vehicle may be recovered.
- (2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.
- (f) (1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of either of the following to ascertain the identity of the owner and any lienholder of the vehicle:
  - A. The records of the Bureau of Motor Vehicles;
  - B. The records of any vendor or vendors, approved by the Registrar of Motor Vehicles, that are capable of providing real-time access to owner and lienholder information.



- (2) The towing service or storage facility may search the National Motor Vehicle Title Information System in order to determine the state in which the vehicle is titled. The entity that provides the record of the owner and any lienholder under this division shall ensure that such information is provided in a timely manner.
  - (3) Subject to subsection (f)(6) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
    - A. Within five business days after the applicable entity provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt.
    - B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under subsection (f)(3)A. of this section.
  - (4) Sixty days after any notice sent pursuant to subsection (f)(3) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under Ohio R.C. 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.
  - (5) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under Ohio R.C. 4505.101(B).
  - (6) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(3)A. of this section.
- (g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:
- A. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement;
  - B. Payment of the following fees:
    - 1. All applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under subsection (f)(1)A. of this section;
    - 2. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).

- (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.
- (3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.
- (4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(h) No person shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

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

(j) Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.

(k) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

- (1) Any person who holds title to the property;
- (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- (3) A person who is authorized to manage the property;
- (4) A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section. (ORC 4513.601)

### **303.083 IMPOUNDING VEHICLES ON PUBLIC PROPERTY.**

(a) The County Sheriff or Chief of Police, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the Sheriff or Chief of Police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that:

- (1) Has come into the possession of the Sheriff, Chief of Police, or state highway patrol trooper as a result of the performance of the Sheriff's, Chief's or trooper's duties; or

- (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the Sheriff or Chief of Police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
  - A. The vehicle was involved in an accident and is subject to Ohio R.C. 4513.66, or any substantially equivalent municipal ordinance;
  - B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Sheriff, Chief of Police, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Sheriff, Chief of Police, or state highway patrol trooper. If the Sheriff, Chief of Police, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Sheriff, Chief of Police, or state highway patrol trooper shall order the removal of the vehicle.
- (3) Subject to subsection (c) of this section, the Sheriff or Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the Sheriff, Chief of Police, or a state highway patrol trooper issues an order under subsection (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Sheriff or Chief of Police not more than two hours after the time it is removed.

- (c) (1) The Sheriff or Chief of Police shall cause a search to be made of the records of an applicable entity listed in Ohio R.C. 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Sheriff or Chief of Police, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the Sheriff or Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.
- (2) A. The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval

fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the Sheriff, Chief of Police, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;
2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

B. For purposes of subsection (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

- (3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25.00), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at a public auction as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief of Police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Sheriff or Chief of Police shall retain the original of the affidavit for the Sheriff's or Chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within thirty days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(f) No towing service or storage facility shall fail to comply with this section.  
(ORC 4513.61)

**303.09 PROVIDING FALSE INFORMATION TO POLICE OFFICER.**

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

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 4513.361)

**303.99 GENERAL TRAFFIC CODE PENALTIES.**

(a) General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor.  
(ORC 4513.99)

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

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

(ORC 2929.24; 2929.28)

**303.991 COMMITTING AN OFFENSE WHILE DISTRACTED PENALTY.**

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

- (1) "Distracted" means doing either of the following while operating a vehicle:
  - A. Using a handheld electronic wireless communications device, as defined in Ohio R.C. 4511.204 except when utilizing any of the following:
    1. The device's speakerphone function;
    2. A wireless technology standard for exchanging data over short distances;
    3. A "voice-operated or hands-free" device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;
    4. Any device that is physically or electronically integrated into the motor vehicle.
  - B. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.
- (2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of Section 331.43.

- (3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage or a circumstance affecting the health or safety of individuals. As used in subsection (a)(3) of this section:
- A. "Utility" means an entity specified in division (A), (C), (D), (E) or (G) of Ohio R.C. 4905.03.
  - B. "Utility service vehicle" means a vehicle owned or operated by a utility.

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

- (1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation or summons for a violation of any section of the Traffic Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars (\$100.00).  
In lieu of payment of the additional fine of one hundred dollars (\$100.00), the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the Ohio Director of Public Safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars (\$100.00), so long as the offender submits to the court both the offender's payment in full and such written evidence.
- (2) If the offender appears in person to contest the ticket, citation or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars (\$100.00).  
If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars (\$100.00), the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars (\$100.00), the offender instead may elect to attend the distracted driving safety course described in subsection (b)(1) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars (\$100.00), so long as the offender submits to the court the offender's payment and such written evidence.  
(ORC 4511.991)

<u>Ordinance No.</u>	<u>Passage Date</u>
2000-17	8-28-00
2000-20	8-28-00
2001-18	6-25-01
2002-7	2-11-02
2003-7	3-10-03
2003-15	6-23-03
2003-24	10-27-03
2006-6	4-11-06
2007-24	11-27-07
2008-3	1-22-08
2010-5	2-16-10
2010-6	2-16-10
2010-24	7-13-10
2010-25	7-13-10
2011-2	2-8-11
2012-13	4-10-12
2012-14	4-10-12
2012-37	8-14-12
2012-47	11-13-12
2013-3	1-22-13
2013-22	5-28-13
2016-26	11-22-16
2017-28	6-27-17
2018-19	7-10-18
2018-26	9-11-18
2018-28	9-25-18
2020-42	12-22-20
2021-15	4-27-21
2021-16	4-27-21
2021-22	7-13-21
2021-23	7-13-21
2021-24	7-13-21
2021-35	10-26-21
2022-4	1-11-22

- (b)
  - (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.
  - (2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.
  - (3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.
- (c)
  - (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined one hundred fifty dollars (\$150.00).
  - (2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.
- (d) As used in this section:
  - (1) "License plate" includes any temporary motor vehicle license registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.
  - (2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

### **331.22 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: DUTY TO YIELD.**

(a) Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed.

(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 4511.44)



**331.23 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN  
ROADWAY: STOPPING AT SIDEWALK.**

(a) Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(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 4511.431)

**331.24 RIGHT OF WAY OF FUNERAL PROCESSION.**

(a) As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right of way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(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.

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 4511.451)

**331.25 DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD  
OR PERSONS.**

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

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

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries.

The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

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 301.09. 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.

(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).

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

(h) Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

(i) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

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

- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
- B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
- C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.  
(Ord. 2013-49. Passed 10-8-13.)
- (4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.21)

**333.031 APPROACHING A STATIONARY PUBLIC SAFETY, EMERGENCY OR ROAD SERVICE VEHICLE.**

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in Section 337.16, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.
- (2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

- (d) (1) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty

to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

- (2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
- (3) 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.

(e) 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 4511.213)

#### **333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.**

(a) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(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.

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 4511.22)

#### **333.05 SPEED LIMITATIONS OVER BRIDGES.**

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

(b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.



(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 4511.23)

### **333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.**

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

### **333.07 STREET RACING PROHIBITED.**

(a) As used in this section, "street racing" means 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.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 333.03 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.

(b) No person shall participate in street racing upon any public road, street or highway in this Municipality.

(c) Whoever violates this section is guilty of street racing, 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 subsection. (ORC 4511.251)

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

(a) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

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

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. If the offender previously has been convicted of or pleaded guilty to any violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

- (2) If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as otherwise provided in this subsection, the offense is a minor misdemeanor. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(d) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance.

(e) If the offender is sentenced under subsection (c)(2) hereof, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose 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.  
(ORC 4510.12)

### **335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.**

(a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles or a Deputy Registrar under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

- (b) (1) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, temporary instruction permit, or identification card unless and until the person surrenders to the Registrar or a deputy registrar all valid licenses, temporary instruction permits, and identification cards issued to the person by another jurisdiction recognized by this state.
- (2) The Registrar shall report the cancellation of a license, temporary instruction permit, or identification card to the issuing authority, together with information that the license, temporary instruction permit, or identification card is now issued in this state. The Registrar or a deputy registrar shall destroy any such license, temporary instruction permit, or identification card that is not returned to the issuing authority.
- (3) No person shall possess more than one valid license, temporary instruction permit, or identification card at any time.  
(ORC 4507.02(A))

- (c) (1) Except as otherwise provided in this subsection, 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. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
- (2) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02; 4507.99)

### **335.021 OHIO DRIVER'S LICENSE REQUIRED FOR IN STATE RESIDENTS.**

(a) Any person who becomes a resident of this State, within thirty days of becoming a resident, shall surrender any driver's license, temporary instruction permit, or identification card issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a temporary instruction permit or driver's license in this State. If the person fails to apply for a driver's license or temporary instruction permit within thirty days of becoming a resident, the person shall not operate any motor vehicle in this municipality under a license or permit issued by another state.

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

- (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
- (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4507.213)

### **335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.**

(a) No holder of a temporary instruction permit issued under Ohio R.C. 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the following conditions:

- (1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:

- A. The permit and identification card are in the holder's immediate possession;
  - B. The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
  - C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.
- (2) If the permit is issued to a person who is at least sixteen years of age:
- A. The permit and identification card are in the holder's immediate possession;
  - B. The holder is accompanied by a licensed operator who is at least twenty-one years of age and is actually occupying a seat beside the driver and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
  - C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(b) Except as provided in subsection (b) hereof, no holder of a temporary instruction permit that is issued under Ohio R.C. 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under Ohio R.C. 4507.05(A) on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian or custodian holds a current valid driver's or commercial driver's license issued by this State and is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Section 333.01(a).

(c) As used in this section:

(1) "Eligible adult" means any of the following:

- A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;
- B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
  - 1. A parent, guardian or custodian of the permit holder;
  - 2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.

(2) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4507.05)

**335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.**

- (a) (1) A. No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.
- B. No holder of a probationary driver's license who has held the license for twelve months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.
- (2) A. Subject to subsection (c)(1) of this section, subsection (a)(1)A. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
1. Traveling to or from work between the hours of midnight and six a.m. provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
  2. Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
  3. Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- B. Subsection (a)(1)B. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
1. Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
  2. Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
  3. Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- (3) An employer, school official or official affiliated with a religious event is not liable in damages in a civil action for any injury, death or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in subsection (a)(2) of this section.

The Registrar of Motor Vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that subsection.

- (4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian or custodian.

(b) It is an affirmative defense to a violation of subsection (a)(1)A. or B. of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of subsection (a)(1)A. or B. of this section; or the holder was an emancipated minor.

- (c)
  - (1) If a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.
  - (2) Any person who is subject to the operating restrictions established under subsection (c)(1) of this section as a result of a first moving violation may petition the court for driving privileges without being accompanied by the holder's parent or guardian during the period of time determined by the court under that subsection. In granting the driving privileges, the court shall specify the purposes of the privileges and shall issue the person appropriate forms setting forth the privileges granted. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this division.
  - (3) No person shall violate any operating restriction imposed under subsection (c)(1) or (2) of this section.

(d) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(e) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(f) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the 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 (a)(1)A. or B. hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(g) As used in this section:

- (1) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.
- (2) "Family member" of a probationary license holder includes any of the following:
  - A. A spouse;
  - B. A child or stepchild;
  - C. A parent, stepparent, grandparent, or parent-in-law;
  - D. An aunt or uncle;
  - E. A sibling, whether or the whole or half blood or by adoption, a brother-in-law or a sister-in-law;
  - F. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
  - G. An eligible adult, as defined in Ohio R.C. 4507.05.
- (3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(h) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4507.071)

### **335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.**

(a) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

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

- (1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

- (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 physician's 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.

(c) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle and shall be punished as provided in subsections (c) to (h) of this section.

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a)(1), (2) or (3) of this section 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.
- (2)
  - A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
  - B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.
- (3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose 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, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:
  - A. Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
  - B. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
  - C. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection 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 automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

(d) If a court orders the immobilization of a vehicle under subsection (c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) If a court orders the criminal forfeiture of a vehicle under subsection (c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any 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 order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in Ohio R.C. 4549.65.

(g) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(h) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name. (ORC 4511.203)

### **335.06 DISPLAY OF LICENSE.**

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under Ohio R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

(b) (1) Except as provided in subsection (b)(2) hereof, whoever violates this section 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 the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

### **335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.**

(a) Except as provided under subsection (b) hereof and Sections 335.072 and 335.074, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(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 in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

(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 suspension at the time of the alleged violation of subsection (a) of this section or the person operated a motor vehicle in violation of a restriction 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) (1) Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.
- (2) A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially

equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.

- B. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.
- C. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.11, or any combination of three or more violations of Ohio R.C. 4501.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the criminal forfeiture of the vehicle involved in the offense to the State.

(e) Any order for immobilization and impoundment under this section shall be issued and enforced under 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.

(f) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio 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 lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(g) 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 4510.11)

(h) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this subsection. (ORC 4510.037)

**335.071 DRIVING UNDER OVI SUSPENSION.**

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.19, 4511.191, or 4511.196 or under Ohio R.C. 4510.07 for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the public roads or highways within this Municipality during the period of the suspension.

(b) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Ohio R.C. Chapter 2929, subject to the differences authorized or required by this section.

- (1) Except as otherwise provided in subsection (b)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
  - A. A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this subsection shall not exceed six months. If the court imposes a mandatory three-day jail term under this subsection, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.
  - B. A fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).
  - C. A license suspension under subsection (e) of this section.
- (2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
  - A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.
  - B. Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
  - C. A license suspension under subsection (e) of this section.
- (3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
  - A. A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.

- B. Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
- C. A license suspension under subsection (e) of this section.

(c) No court shall impose an alternative sentence of house arrest with electronic monitoring under subsection (b)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.

An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d) Fifty per cent of any fine imposed by a court under subsection (b)(1), (2) or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (H) of Ohio R.C. 4511.191.

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section 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 division (A)(7) of Ohio R.C. 4510.02.

When permitted as specified in Ohio R.C. 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under Ohio R.C. 4503.231, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period of the suspension.

(f) 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 that is a misdemeanor of the first degree under this section for which the offender is sentenced. (ORC 4510.14)

- (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)

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

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

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

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

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

- (1) Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours.

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

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

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

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

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

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

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to

division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

- (2) If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
- (3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

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

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

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

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

- (1) Except as otherwise provided in subsection (c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender

fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.111)

**335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.**

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

- (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
- (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;
- (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) 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) 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))

**335.091 OPERATING WITHOUT DEALER OR MANUFACTURER  
LICENSE PLATES.**

(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays a placard, except as provided in Ohio R.C. 4503.21, issued by the Director of Public Safety that displays the registration number of its manufacturer or dealer.

(b) Whoever violates subsection (a) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor.  
(ORC 4549.10)

**335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.**

(a) No person who is the owner of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(b) No person shall operate, drive or park upon the public streets or highways a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(c) No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles.

(ORC 4549.12)

(d) No person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.

(e) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

- (f) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.  
(2) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.  
(3) Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor.  
(ORC 4549.11; 4549.12)

### **335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.**

(a) No person shall operate or drive a motor vehicle upon the streets in this Municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (1) Is fictitious;  
(2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;  
(3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the streets in this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets in this Municipality, during the thirty-day period described in subsection (c) hereof.

(b) Whoever violates subsection (a)(1), (2) or (3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.  
(ORC 4549.08)

(c) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner shall immediately remove the license plates from the motor vehicle. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the streets of the Municipality.

(d) Whoever violates subsection (c) of this section is guilty of a misdemeanor of the fourth degree. (ORC 4503.12)

**335.111 REGISTRATION WITHIN THIRTY DAYS OF RESIDENCY.**

(a) Within thirty days of becoming a resident of this State, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this State. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this Municipality under a license issued by another state.

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

- (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
- (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4503.111)

**335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.**

- (a) (1) In the case of a motor vehicle accident or collision with persons or property on a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, immediately shall stop the operator's motor vehicle at the scene of the accident or collision. The operator shall remain at the scene of the accident or collision until the operator has given the operator's name and address and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to all of the following:
  - A. Any person injured in the accident or collision;
  - B. The operator, occupant, owner or attendant of any motor vehicle damaged in the accident or collision;
  - C. The police officer at the scene of the accident or collision.
- (2) In the event an injured person is unable to comprehend and record the information required to be given under subsection (a)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address and the registered number of the motor vehicle the operator was operating. The operator shall remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.
- (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.
- (2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
- (3) If the accident or collision results in the death of a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
- (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five 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)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

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. 2929.18 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 motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.02)

### **335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.**

- (a) (1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.
  - (2) If the operator of the motor vehicle involved in the accident or collision does not provide the information specified in subsection (a)(1) of this section, the operator shall give that information, within twenty-four hours after the accident or collision, to the Police Department.
  - (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required under subsection (a)(1) of this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
- (b) (1) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.
  - (2) If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.



- (3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
- (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five 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)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

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. 2929.18 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 motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.021)

#### **335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.**

(a) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the driver's or commercial driver's license.

If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within twenty-four hours after the accident, shall forward to the police authority in the municipality in which the accident or collision occurred, the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

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 motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.03)

B. A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

- (4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour or more;
- (5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;
- (6) If under eighteen years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;
- (7) If under sixteen years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen years of age or older and is responsible for the immediate care of the person under sixteen years of age.

(c) No person who is under fourteen years of age shall operate an electric personal assistive mobility device.

(d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS". (ORC 4511.512)

(e) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour. (ORC 4501.01)

(f) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor and shall be punished as follows:

- (1) The offender shall be fined ten dollars (\$10.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of Ohio R.C. 4511.512 or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under subsection (f)(1) hereof, shall do one of the following:
  - A. Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars (\$5.00) per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars (\$50.00).

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

(g) Whoever violates subsection (d) hereof is guilty of a minor misdemeanor.  
(ORC 4511.512)

**371.13 OPERATION OF PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.**

- (a) As used in this section:
- (1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.
  - (2) "Personal delivery device" means an electrically powered device to which all of the following apply:
    - A. The device is intended primarily to transport property and cargo on sidewalks and crosswalks.
    - B. The device weighs less than 250 pounds excluding any property or cargo being carried in the device.
    - C. The device has a maximum speed of ten miles per hour.
    - D. The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.
  - (3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. The phrase does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. The phrase also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.
- (b) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:
- (1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.
  - (2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.
  - (3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars (\$100,000) for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.
  - (4) The device is equipped with all of the following:
    - A. A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
    - B. A braking system that enables the personal delivery device to come to a controlled stop;

## CHAPTER 513 Drug Abuse Control

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| <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>513.99</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)  
 Attempted drug abuse offenses - see GEN. OFF. 501.09(e)  
 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) "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;
  - (5) An amount equal to or exceeding 200 solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;

(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) Subsection (e) of Section 513.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

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

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

#### **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)

**513.15 SALE OF DEXTROMETHORPHAN.**

(a) As used in this section:

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

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

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

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

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

**513.99 PENALTY.**

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

## CHAPTER 517 Gambling

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| <p>517.01 Definitions.</p> <p>517.02 Gambling.</p> <p>517.03 Operating a gambling house.</p> <p>517.04 Public gaming.</p> <p>517.05 Cheating.</p> <p>517.06 Methods of conducting a bingo game; prohibitions.</p> <p>517.07 Instant bingo conduct.</p> <p>517.08 Raffles.</p> <p>517.09 Charitable instant bingo organizations.</p> | <p>517.10 Location of instant bingo.</p> <p>517.11 Bingo or game of chance records.</p> <p>517.12 Bingo operator prohibitions.</p> <p>517.13 Bingo exceptions.</p> <p>517.14 Instant bingo conduct by a veteran's or fraternal organization.</p> <p>517.15 Skill-based amusement machines.</p> <p>517.16 Electronic instant bingo; prohibited conduct.</p> <p>517.99 Penalty.</p> |
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### CROSS REFERENCES

See sectional histories for similar State law

Lotteries prohibited; exception - see Ohio Const., Art. XV, Sec. 6

Contributing to delinquency of minors - see Ohio R.C. 2151.41

Search warrants - see Ohio R.C. 2933.21(E)

Licensing charitable bingo games - see Ohio R.C. 2915.08

### 517.01 DEFINITIONS.

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

- (a) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.
- (b) "Bingo" means either of the following:
  - (1) A game with all of the following characteristics:
    - A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five (25) spaces arranged in five (5) horizontal and five (5) vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space;
    - B. The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator;



- C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five (75) objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five (75) possible combinations of a letter and a number that can appear on the bingo cards or sheets;
  - D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers, as described in subsection (b)(1)C. hereof, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card or sheet being used by the participant.
- (2) Instant bingo, electronic instant bingo, and raffles.
- (c) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo including but not limited to collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.
  - (d) "Bingo session" means a period that includes both of the following:
    - (1) Not to exceed five (5) continuous hours for the conduct of one or more games described in subsection (d)(1) hereof the definition of "bingo" in this section, instant bingo, and electronic instant bingo;
    - (2) A period for the conduct of instant bingo and electronic instant bingo for not more than two (2) hours before and not more than two (2) hours after the period described in subsection (d)(1) hereof.
  - (e) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter or Ohio R.C. Chapter 2915. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.
  - (f) "Bookmaking" means the business of receiving or paying off bets.
  - (g) "Chamber of Commerce" means any organization of individuals, professionals, and businesses that has the purpose to advance the commercial, financial, industrial, and civic interests of the community and that is, and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(6).

- (h) "Charitable bingo game" means any bingo game described in subsections (b)(1) or (2) hereof that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.
- (i) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and is a charitable organization as defined in this section. The term does not include a charitable organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to Section 517.14.
- (j) "Charitable organization" means:
  - (1) Except as otherwise provided in this chapter, "charitable organization" means either of the following:
    - A. An organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3);
    - B. A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10) or 501(c)(19).
  - (2) To qualify as a charitable organization, an organization shall have been in continuous existence as such in this state for a period of two (2) years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided Section 517.02(d).
- (k) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
  - (1) Any organization that is described in IRC 509(a)(1), 509(a)(2), or 509(a)(3) and is either a governmental unit or an organization that is tax exempt under IRC 501(a) and described in IRC 501(c)(3);
  - (2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five percent (75%) of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), is used for awarding scholarships to or for attendance at an institution mentioned in that division of the Ohio Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

- (3) A fraternal organization that has been in continuous existence in this state for fifteen (15) years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under IRC 170;
- (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of "volunteer firefighter's organization" in this section.
- (l) "Community action agency" has the same meaning as in Ohio R.C. 122.66.
- (m) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.
- (n) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.
- (o) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:
  - (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;
  - (2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.
- (p) "Electronic bingo aid" means:
  - (1) An electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
    - A. It provides a means for a participant to input numbers and letters announced by a bingo caller.
    - B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
    - C. It identifies a winning bingo pattern.
  - (2) The term does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (q) "Electronic instant bingo" means:
  - (1) A form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:
    - A. Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.
    - B. Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.
    - C. Each electronic instant bingo ticket within a deal is sold for the same price.
    - D. After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

- E. The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.
- F. The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.
- (2) The term shall not include any of the following:
  - A. Any game, entertainment, or bonus theme that replicates or simulates any of the following:
    - 1. The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;
    - 2. Horse racing;
    - 3. Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in Ohio R.C. 3770.21.
  - B. Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;
  - C. Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.
- (r) "Electronic instant bingo system" means both of the following:
  - (1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:
    - A. It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;
    - B. It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under Ohio R.C. 2915.08.
  - (2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.
- (s) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:
  - (1) The purchase or lease of bingo supplies;
  - (2) The annual license fee required under Ohio R.C. 2915.08;
  - (3) Bank fees and service charges for a bingo session or game account described in Ohio R.C. 2915.10;
  - (4) Audits and accounting services;
  - (5) Safes;
  - (6) Cash registers;
  - (7) Hiring security personnel;
  - (8) Advertising bingo;
  - (9) Renting premises in which to conduct a bingo session;

- (10) Tables and chairs;
  - (11) Expenses for maintaining and operating a charitable organization's facilities, including but not limited to a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
  - (12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;
  - (13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under Ohio R.C. 2915.08(F)(1).
- (t) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.
- (u) "Gambling device" means any of the following:
- (1) A book, totalizer, or other equipment used for recording bets;
  - (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;
  - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
  - (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;
  - (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter or Ohio R.C. Chapter 2915.
- (v) "Gambling offense" means any of the following:
- (1) A violation of Ohio R.C. Chapter 2915;
  - (2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any provision of this chapter or Ohio R.C. Chapter 2915 or a violation of Ohio R.C. 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 of the United States, of which gambling is an element;
  - (4) A conspiracy or attempt to commit, or complicity in committing, any offense under subsections (v)(1), (2), or (3) hereof.
- (w) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that includes the following information for the game:
- (1) The name of the game;
  - (2) The manufacture's name or distinctive logo;
  - (3) The form number;
  - (4) The ticket count;
  - (5) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets;
  - (6) The cost per play;
  - (7) The serial number of the game.
- (x) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

- (y) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.
- (z) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (b)(1) hereof plus the annual net profit derived from the conduct of bingo described subsection (b)(2) hereof.
- (aa) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.
- (bb) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. The term does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:
  - (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two (2) years prior to conducting bingo.
  - (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.
  - (3) The food and beverages are sold at customary and reasonable prices.
- (cc) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. The term does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.
- (dd) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:
  - (1) It is activated upon the insertion of United States currency.
  - (2) It performs no gaming functions.
  - (3) It does not contain a video display monitor or generate noise.
  - (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
  - (5) It does not simulate or display rolling or spinning reels.
  - (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or non-winning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

- (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
- (8) It is not part of an electronic network and is not interactive.
- (ee) "Internal Revenue Code (IRC)" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1 et seq., as now or hereafter amended.
- (ff) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.
- (gg) "Merchandise prize" means any item of value, but shall not include any of the following:
  - (1) Cash, gift cards, or any equivalent thereof;
  - (2) Plays on games of chance, state lottery tickets, or bingo;
  - (3) Firearms, tobacco, or alcoholic beverages; or
  - (4) A redeemable voucher that is redeemable for any of the items listed in subsections (hh)(1), (2) or (3) hereof.
- (hh) "Net profit" means gross profit minus expenses.
- (ii) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.
- (jj) "Participant" means any person who plays bingo.
- (kk) "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.
- (ll) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.
- (mm) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.
- (nn) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. The term does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:
  - (1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
  - (2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.
- (oo) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

- (pp) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.
- (qq) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (rr) "Scheme of chance" means:
  - (1) A slot machine unless authorized under Ohio R.C. Chapter 3772, lottery unless authorized under Ohio R.C. Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:
    - A. Less than fifty percent (50%) of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;
    - B. Less than fifty percent (50%) of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;
    - C. More than fifty percent (50%) of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in Ohio R.C. 3772.01;
    - D. The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
    - E. A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
    - F. A participant may use the electronic device to purchase additional game entries;
    - G. A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
    - H. A scheme of chance operator pays out in prize money more than twenty percent (20%) of the gross revenue received at one location; or
    - I. A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.
  - (2) As used in this subsection, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.



- (ss) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.
- (tt) "Security personnel" includes any person who either is a Sheriff, deputy sheriff, Marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 through 109.79 and who is hired to provide security for the premises on which bingo is conducted.
- (uu) "Skill-based amusement machine" means:
  - (1) A.
    - A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:
      - 1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars (\$10.00);
      - 2. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars (\$10.00);
      - 3. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00) times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
      - 4. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.
  - B. A card for the purchase of gasoline is a redeemable voucher for purposes of subsection (vv)(1) hereof even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.
- (2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:
  - A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;
  - B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
  - C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;
  - D. The success of any player is or may be determined by a chance event that cannot be altered by player actions;
  - E. The ability of any player to succeed at the game is determined by game features not visible or known to the player;

- F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.
- (3) All of the following apply to any machine that is operated as described in subsection (vv)(1) hereof:
  - A. As used in this definition of "skill-based amusement machine", "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.
  - B. Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
  - C. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.
- (4) For purposes of subsection (vv)(1) hereof, the mere presence of a device, such as a pinsetting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.
- (vv) "Slot machine" means:
  - (1) Either of the following:
    - A. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;
    - B. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.
  - (2) The term does not include a skill-based amusement machine, an instant bingo ticket dispenser, or an electronic instant bingo system.
- (ww) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to the League of Ohio Sportsmen, and that has been in continuous existence in this state for a period of three (3) years.
- (xx) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (yy) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under Ohio R.C. Chapter 2915, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772.

- (zz) "Sweepstakes terminal device" means:
- (1) A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:
    - A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
    - B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
    - C. The device selects prizes from a predetermined finite pool of entries.
    - D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
    - E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
    - F. The device utilizes software to create a game result.
    - G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
    - H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
  - (2) As used in this definition and in Section 517.02:
    - A. "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.
    - B. "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.
    - C. "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
- (aaa) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in Ohio R.C. 2915.02(G).
- (bbb) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this definition, "National Veterans' Association" means any veteran's association that has been in continuous existence as such for a period of at least five (5) years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.

- (ccc) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.
- (ddd) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in Ohio R.C. 4765.01.
- (eee) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one (21) years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.
- (fff) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
  - (1) It owns, operates, and maintains playing fields that satisfy both of the following:
    - A. The playing fields are used for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen (18) years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.
    - B. The playing fields are not used for any profit-making activity at any time during the year.
  - (2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in subsection (ggg)(1) hereof.  
(ORC 2915.01)

#### **517.02 GAMBLING.**

- (a) No person shall do any of the following:
  - (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
  - (2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;
  - (3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;
  - (4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;
  - (5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:
    - A. Give to another person any item described in subsection (hh)(1), (2), (3) or (4) of Section 517.01 as a prize for playing or participating in a sweepstakes; or

- B. Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars (\$10.00) and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00).
- (6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the Attorney General as required by division (F) of Ohio R.C. 2915.02.
- (7) With purpose to violate subsection (a)(1), (2), (3), (4), (5) or (6) of this section, acquire, possess, control, or operate any gambling device.

(b) For purposes of subsection (a)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of subsection (a)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(d) This section does not apply to any of the following:

(1) Games of chance, if all of the following apply:

- A. The games of chance are not craps for money or roulette for money.
- B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.
- C. The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.

A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof if the veteran's or fraternal organization has already leased the premises twelve times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under Section 517.06(b)(1) when it leases premises from another charitable organization to conduct bingo games.

- D. All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
- E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.13.

No person shall receive any commission, wage, salary, reward, tip, donations, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.

- (2) Any tag fishing tournament operated under a permit issued under Ohio R.C. 1533.92, as "tag fishing tournament" is defined in Ohio R.C. 1531.01.
- (3) Bingo conducted by a charitable organization that holds a license issued under Ohio R.C. 2915.08.

(e) Subsection (d) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct games of chance, as granted by subsection (d) hereof, by any charitable organization that is granted that right.

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, gambling is a felony and shall be prosecuted under appropriate State law. (ORC 2915.02)

### **517.03 OPERATING A GAMBLING HOUSE.**

(a) No person, being the owner or lessee, or having custody, control or supervision of premises, shall:

- (1) Use or occupy such premises for gambling in violation of Section 517.02;
- (2) Recklessly permit such premises to be used or occupied for gambling in violation of Section 517.02.

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

(c) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2915.03)

#### **517.04 PUBLIC GAMING.**

(a) No person, while at a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall make a bet or play any game of chance or scheme of chance.

(b) No person, being the owner or lessee, or having custody, control, or supervision, of a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall recklessly permit those premises to be used or occupied in violation of subsection (a) of this section.

(c) Subsections (a) and (b) of this section do not prohibit conduct in connection with gambling expressly permitted by law.

(d) Whoever violates this section is guilty of public gaming. Except as otherwise provided in this subsection, public gaming is a minor misdemeanor. If the offender previously has been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(e) Premises used or occupied in violation of subsection (b) of this section constitute a nuisance subject to abatement under Ohio R.C. Chapter 3767. (ORC 2915.04)

#### **517.05 CHEATING.**

(a) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:

- (1) The subject of a bet;
- (2) A contest of knowledge, skill, or endurance that is not an athletic or sporting event;
- (3) A scheme or game of chance;
- (4) Bingo.

(b) Whoever violates this section is guilty of cheating. Except as otherwise provided in this subsection cheating is a misdemeanor of the first degree. If the potential gain from the cheating is one thousand dollars (\$1,000) or more, or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in Ohio R.C. 2913.01, cheating is a felony and shall be prosecuted under appropriate State law. (ORC 2915.05)

#### **517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.**

(a) No charitable organization that conducts bingo shall fail to do any of the following:

- (1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

- (2) Except as otherwise provided in subsection (a)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct bingo, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in the definition for "expenses" in Section 517.01(s), provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in the definition of "bingo" in Section 517.01(b)(1), the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars (\$600.00) or forty-five percent (45%) of the gross receipts from the bingo described in that division as consideration for the use of the premises;
- (3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo described in Section 517.01(b)(1), for a charitable purpose listed in its license application and described in Section 517.02(k), or distribute all of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as stated in its license application and in accordance with Ohio R.C. 2915.101, as applicable.

(b) No charitable organization that conducts a bingo game described in Section 517.01(b)(1) shall fail to do any of the following:

- (1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars (\$600.00) per bingo session or forty-five percent (45%) of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars (\$450.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars (\$450.00) per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three (3) other charitable organizations per calendar week for



conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three (3) charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine (9) bingo sessions be conducted on any premises in any calendar week.

- (2) Display its license conspicuously at the premises where the bingo session is conducted;
- (3) Conduct the bingo session in accordance with the definition of bingo set forth in Section 517.01(b)(1).

(c) No charitable organization that conducts a bingo game described in Section 517.01(b)(1) shall do any of the following:

- (1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (2) Pay consulting fees to any person for any services performed in relation to the bingo session;
- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;
- (4) Except as otherwise provided in subsection (c)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five (5) bingo sessions in a calendar year may conduct more than three (3) bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;
- (5) Pay out more than six thousand dollars (\$6,000) in prizes for bingo games described in Section 517.01(b)(1) during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo;
- (6) Conduct a bingo session at any time during the eight-hour period between 2:00 a.m. and 10:00 a.m., at any time during, or within ten (10) hours of, a bingo game conducted for amusement only pursuant to Ohio R.C. 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Subsection (c)(6) of this section does not prohibit the sale of instant bingo tickets beginning at 9:00 a.m. for a bingo session that begins at 10:00 a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney

General for an amended license, pursuant to division (J) of Ohio R.C. 2915.08. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license;

- (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen (18) to work as a bingo game operator;
- (8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;
- (9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;
- (10) Purchase or lease bingo supplies from any person except a distributor issued a license under Ohio R.C. 2915.081;
- (11) A. Use or permit the use of electronic bingo aids except under the following circumstances:
  - 1. For any single participant, not more than ninety (90) bingo faces can be played using an electronic bingo aid or aids.
  - 2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.
  - 3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.
  - 4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.
  - 5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.
  - 6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.
- B. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.

- (12) Permit any person the charitable organization knows, or should have known, to be under eighteen (18) years of age to play bingo described in Section 517.01(b)(1).
- (d) (1) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.
- (2) Except as otherwise provided in subsection (d)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly regardless of the source, for conducting instant bingo, electronic instant bingo, or both other than at a bingo session at the site of instant bingo, electronic instant bingo, or both other than at a bingo session.
- (3) Nothing in subsection (d) hereof prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.
- (e) Notwithstanding subsection (b)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two (2) bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two (2) bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.
- (f) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.
- (g) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (2), (b)(1), (2), or (3), (c)(1) to (11) or (d) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of subsection (a)(1) or (2), (b)(1), (2) or (3), (c)(1) to (11), or (d) of this section, a violation of subsection (a)(1) or (2), (b)(1), (2) or (3) or (c)(1) to (11) or (d) of this section is a misdemeanor of the first degree. Whoever violates subsection (c)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c)(12) of this section, a violation of subsection (c)(12) is a felony and shall be prosecuted under appropriate State law.  
(ORC 2915.09)

**517.07 INSTANT BINGO CONDUCT.**

- (a) No charitable organization that conducts instant bingo shall do any of the following:
- (1) Fail to comply with the requirements of divisions (A)(1), (2), and (3) of Ohio R.C. 2915.09;
  - (2) Conduct instant bingo unless either of the following applies:
    - A. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in Section 517.01, is in good standing in the State pursuant to Ohio R.C. 2915.08, and is in compliance with Ohio R.C. Chapter 1716;
    - B. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under Section 517.14.
  - (3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to Ohio R.C. 2915.08;
  - (4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;
  - (5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under Ohio R.C. 2915.081;
  - (6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;
  - (7) Sell an instant bingo ticket or card to a person under eighteen (18) years of age;
  - (8) Fail to keep unsold instant bingo tickets or cards for less than three (3) years;
  - (9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
  - (10) Pay fees to any person for any services performed in relation to an instant bingo game, except as provided in Section 517.09(d);
  - (11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;
  - (12) A. Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

B. Subsection (a)(12)A. of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.

- (13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;
- (14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under Ohio R.C. 2915.081 as reflected on an invoice issued by the distributor that contains all of the information required by Section 517.11(f);
- (15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two (2) highest tiers of prizes in that deal are sold;
- (16) Possess bingo supplies that were not obtained in accordance with Ohio R.C. 2915.01 to 2915.13.

(b) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

(c) Whoever violates subsection (a) of this section or a rule adopted under Ohio R.C. 2915.091(C) is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (a) of this section or of such a rule, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law. (ORC 2915.091)

#### **517.08 RAFFLES.**

- (a) (1) Subject to subsection (a)(2) of this section, a person or entity that is exempt from federal income taxation under IRC 501(a) and is described in IRC 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) may conduct a raffle to raise money for the person or entity and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.
- (2) If a person or entity that is described in subsection (a)(1) of this section, but that is not also described in IRC 501(c)(3), conducts a raffle, the person or entity shall distribute at least fifty percent (50%) of the net profit from the raffle to a charitable purpose described in Section 517.01(k) or to a department or agency of the federal government, the state, or any political subdivision.

(b) Except as provided in subsection (a) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(c) Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law. (ORC 2915.092)

**517.09 CHARITABLE INSTANT BINGO ORGANIZATIONS.**

(a) As used in this section, "retail income from all commercial activity" means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.

- (b) (1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session under a type III license issued under Ohio R.C. 2915.08, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.
- (2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session under a type III license issued under Ohio R.C. 2915.08 is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five (5) days per calendar year and not more than ten (10) hours per day.

(c) Except as provided in subsection (f) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(d) The owner or lessor of a location that enters into a contract pursuant to subsection (b) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this subsection.

As used in this subsection, "expenses" means those items provided for in subsections (s)(4), (5), (6), (7), (8), (12) and (13) of Section 517.01 and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses" in the aggregate, shall not exceed six percent (6%) of the total gross receipts of any deal of instant bingo tickets.

As used in this subsection, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(e) A charitable instant bingo organization shall provide the Attorney General with all of the following information:

- (1) That the charitable instant bingo organization has terminated a contract entered into pursuant to subsection (b) of this section with an owner or lessor of a location;
- (2) That the charitable instant bingo organization has entered into a written contract pursuant to subsection (b) of this section with a new owner or lessor of a location;
- (3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of this chapter or Ohio R.C. Chapter 2915.

(f) Subsection (c) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars.  
(ORC 2915.093)

#### **517.10 LOCATION OF INSTANT BINGO.**

(a) No owner or lessor of a location shall assist a charitable instant bingo organization in the conduct of instant bingo other than at a bingo session at that location unless the owner or lessor has entered into a written contract, as described in Section 517.09, with the charitable instant bingo organization to assist in the conduct of instant bingo other than at a bingo session.

(b) The location of the lessor or owner shall be designated as a location where the charitable instant bingo organization conducts instant bingo other than at a bingo session.

(c) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate any provision of Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of Ohio R.C. Chapter 2915.

(d) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate the terms of the contract.

- (e) (1) Whoever violates subsection (c) or (d) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c) or (d) of this section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.
- (2) If an owner or lessor of a location knowingly, intentionally, or recklessly violates subsection (c) or (d) of this section, any license that the owner or lessor holds for the retail sale of any goods on the owner's or lessor's premises that is issued by the State or a political subdivision is subject to suspension, revocation, or payment of a monetary penalty at the request of the Attorney General. (ORC 2915.094)

**517.11 BINGO OR GAME OF CHANCE RECORDS.**

(a) No charitable organization that conducts bingo or a game of chance pursuant to Section 517.02(d), shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

- (1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each electronic instant bingo game by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number and each electronic instant bingo game by serial number;
- (2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;
- (3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number and each electronic instant bingo game by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars (\$600.00) or more in value;
- (4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in Section 517.01(k), Section 517.02(d), or Ohio R.C. 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;
- (5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;
- (6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" Section 517.01(bb);
- (7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo or electronic instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(b) A charitable organization shall keep the records that it is required to maintain pursuant to subsection (a) of this section at its principal place of business in this State or at its headquarters in this State and shall notify the Attorney General of the location at which those records are kept.

(c) The gross profit from each bingo session or game described in Section 517.01(b)(1) or (2) shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.



(d) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(e) The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(f) A distributor shall maintain, for a period of three (3) years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
- (2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;
- (3) A description that clearly identifies the bingo supplies;
- (4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(g) A manufacturer shall maintain, for a period of three (3) years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
- (2) A description that clearly identifies the bingo supplies, including serial numbers;
- (3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

- (h) (1) The Attorney General, or any law enforcement agency, may do all of the following:
- A. Investigate any charitable organization, distributor, or manufacturer or any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;
  - B. Examine the accounts and records of the charitable organization, distributor, or manufacturer or of any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;
  - C. Conduct inspections, audits, and observations of bingo or games of chance;
  - D. Conduct inspections of the premises where bingo or games of chance are conducted or where bingo supplies are manufactured or distributed;
  - E. Take any other necessary and reasonable action to determine if a violation of any provision of this chapter or Ohio R.C. Chapter 2915 has occurred and to determine whether Section 517.12 has been complied with.

- (2) If any law enforcement agency has reasonable grounds to believe that a charitable organization, distributor, or manufacturer or an officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer has violated any provision of this chapter or Ohio R.C. Chapter 2915, the law enforcement agency may proceed by action in the proper court to enforce this chapter or Ohio R.C. Chapter 2915, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this division.

(i) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, distributor, or manufacturer that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance, of premises where bingo or a game of chance is conducted, or of premises where bingo supplies are manufactured or distributed, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to subsection (h) hereof.

(j) Whoever violates subsection (a) or (i) of this section is guilty of a misdemeanor of the first degree. (ORC 2915.10)

#### **517.12 BINGO OPERATOR PROHIBITIONS.**

(a) No person shall be a bingo game operator unless he is eighteen (18) years of age or older.

(b) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.

(d) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.11)

#### **517.13 BINGO EXCEPTIONS.**

(a) Ohio R.C. 2915.07 to 2915.11 and 2915.14 or Section 517.06 et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either subsection (a)(1) or (2) hereof:

- (1) A. The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.
- B. All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars (\$100.00).

- C. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
  - D. The bingo game is not conducted either during or within ten (10) hours of any of the following:
    - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
    - 2. A scheme or game of chance or bingo described in Section 517.01(b)(2).
  - E. The number of players participating in the bingo game does not exceed fifty (50).
- (2)
- A. The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents (25¢) to purchase a bingo card or sheet, objects to cover the spaces or other devices used in playing bingo.
  - B. The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces or other devices used in playing bingo does not exceed one hundred dollars (\$100.00).
  - C. All of the money paid for bingo cards or sheets, objects to cover spaces or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.
  - D. The total value of all prizes awarded during the game does not exceed one hundred dollars (\$100.00).
  - E. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
  - F. The bingo game is not conducted during or within ten (10) hours of either of the following:
    - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.15 or Section 517.06 et seq. of this chapter;
    - 2. A scheme of chance or game of chance or bingo described in Section 517.01(b)(2).
  - G. All of the participants reside at the premises where the bingo game is conducted.
  - H. The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(b) The Attorney General, or any local law enforcement agency, may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with subsection (a) hereof. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action. (ORC 2915.12)

**517.14 INSTANT BINGO CONDUCT BY A VETERAN'S OR FRATERNAL ORGANIZATION.**

(a) Subject to the requirements of Ohio R.C. 2915.14 and 2915.15 concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to Ohio R.C. Chapter 2915 may conduct instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under Ohio R.C. 2915.08 if all of the following apply:

- (1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to twelve (12) hours during any day, provided that the sale does not begin earlier than 10:00 a.m. and ends not later than 2:00 a.m.
- (2) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests.
- (3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3), and that is in good standing in this state and executes a written contract with that organization as required in subsection (b) hereof.

(b) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to subsection (a) hereof is raising money for another organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c), and that is in good standing in this state, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c), and that is in good standing in this state in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal, or sporting organization will be distributing to the organization that is described in IRC 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3), and that is in good standing in this state.

- (c) (1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to subsection (b) hereof has been issued a liquor permit under Ohio R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter or Ohio R.C. Chapter 2915.

- (2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to subsection (b) hereof shall violate any provision of this chapter or Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or Ohio R.C. Chapter 2915.

(d) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(e) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony to be prosecuted under appropriate state law.  
(ORC 2915.13)

#### **517.15 SKILL-BASED AMUSEMENT MACHINES.**

- (a) (1) No person shall give to another person any item described in Section 517.01(hh)(1), (2), (3), or (4) in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-prize game won on a skill-based amusement machine.
- (2) Whoever violates subsection (a)(1) of this section is guilty of skill-based amusement machine prohibited conduct. Except as provided herein, a violation of subsection (a)(1) is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of subsection (a)(1), a violation of subsection (a)(1) is a felony and shall be prosecuted under appropriate State law.  
(ORC 2915.06)

(b) Any regulation of skill-based amusement machines shall be governed by this chapter and Ohio R.C. Chapter 2915 and not by Ohio R.C. Chapter 1345.  
(ORC 2915.061)

#### **517.16 ELECTRONIC INSTANT BINGO; PROHIBITED CONDUCT.**

- (a) No charitable organization shall conduct electronic instant bingo unless all of the following are true:
- (1) The organization is a veteran's organization described in Ohio R.C. 2915.01(J), or is a fraternal organization described in Ohio R.C. 2915.01(L), and the organization qualified as a veteran's organization or fraternal organization, as applicable, on or before June 30, 2021.
- (2) The organization is a veteran's organization described in IRC 501(c)(4) or is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under IRC 501(a), and is described in IRC 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19).

- (3) The organization has not conducted a raffle in violation of Ohio R.C. 2915.092(B) using an electronic raffle machine, as described in Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.

(b) No charitable organization that conducts electronic instant bingo shall do any of the following:

- (1) Possess an electronic instant bingo system that was not obtained in accordance with Ohio R.C. Chapter 2915 or with any rule adopted under Ohio R.C. Chapter 2915;
- (2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under Ohio R.C. 2915.08;
- (3) Hold more than one valid license to conduct electronic instant bingo at any one time;
- (4) Conduct electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business;
- (5) Operate more than ten electronic bingo systems at the premises on which the charitable organization conducts electronic instant bingo under its license;
- (6) Fail to display both of the following conspicuously at the premises on which the charitable organization conducts electronic instant bingo:
  - A. The charitable organization's bingo license;
  - B. The serial number of each deal of electronic instant bingo tickets being sold.
- (7) Permit any person the charitable organization knows, or should have known, to be under eighteen (18) years of age to play electronic instant bingo;
- (8) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable organization may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;
- (9) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been awarded;
- (10) Permit any person whom the organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;
- (11) Permit a bingo game operator to play electronic instant bingo;
- (12)
  - A. Except as otherwise provided in subsection (b)(12)B. hereof, pay compensation to a bingo game operator for conducting electronic instant bingo.
  - B. Subsection (b)(12)A. hereof does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or vouchers for the organization's members or invited guests, so long as no portion of the employee's compensation is paid from any bingo receipts.

(13) Pay consulting fees to any person in relation to electronic instant bingo.

(c) No person shall sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this municipality unless the electronic instant bingo system has been approved under Ohio R.C. 2915.15.

(d) Whoever knowingly violates subsection (a), (b) or (c) hereof or a rule adopted under Ohio R.C. 2915.14(D) is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of subsection (a) or (b) hereof, or any substantially equivalent municipal ordinance or state law, or of a rule adopted under Ohio R.C. 2915.14(D), illegal instant bingo conduct is a felony to be prosecuted under appropriate state law.  
(ORC 2915.14)

**517.99 PENALTY.**

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

## CHAPTER 529 Liquor Control

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| <p><b>529.01</b> Definitions.</p> <p><b>529.02</b> Sales to and use by underage persons; securing public accommodations.</p> <p><b>529.021</b> Purchase by minor; misrepresentation.</p> <p><b>529.03</b> Sales to intoxicated persons.</p> <p><b>529.04</b> Liquor consumption in motor vehicle.</p> | <p><b>529.05</b> Permit required.</p> <p><b>529.06</b> Low-alcohol beverages: sale to and purchase by underage persons prohibited.</p> <p><b>529.07</b> Open container prohibited.</p> <p><b>529.08</b> Hours of sale or consumption.</p> <p><b>529.09</b> Drinking in public places or on private property.</p> <p><b>529.10</b> Minors prohibited where liquor sold; exceptions.</p> <p><b>529.99</b> Penalty.</p> |
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### CROSS REFERENCES

See sectional histories for similar State law  
 Prohibiting sale of intoxicating liquor on Sunday - see  
     Ohio R.C. 4301.22(D)  
 Local option - see Ohio R.C. 4301.32 et seq., 4303.29  
 Disorderly conduct; intoxication - see GEN. OFF. 509.03  
 Using weapons while intoxicated - see GEN. OFF. 549.03

### **529.01 DEFINITIONS.**

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

- (a) "Alcohol". Ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. The term does not include denatured alcohol and wood alcohol.
- (b) "At Retail". For use or consumption by the purchaser and not for resale.
- (c) "Beer".
  - (1) Includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more of alcohol by volume.
  - (2) Beer, regardless of the percent of alcohol by volume, is not intoxicating liquor for purposes of this code, the Ohio Revised Code, or any rules adopted under it.
- (d) "Cider". All liquids that are fit to use for beverage purposes that contain one-half of one percent (0.5%) of alcohol by volume, but not more than six percent (6%) of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.
- (e) "Club". A corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for such purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.



- (f) "Community Facility". Means either of the following:
  - (1) Any convention, sports or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to Ohio R.C. 351.02;
  - (2) An area designated as a community entertainment district pursuant to Ohio R.C. 4301.80.
- (g) "Controlled Access Alcohol and Beverage Cabinet". A closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages or food may be sold.
- (h) "Hotel". The same meaning as in Ohio R.C. 3731.01, subject to the exceptions mentioned in Ohio R.C. 3731.03.
- (i) "Intoxicating Liquor" and "Liquor". All liquids and compounds, other than beer, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. The terms include cider and alcohol, and all solids and confections which contain one-half of one percent (0.5%) or more of alcohol by volume.
- (j) "Low-Alcohol Beverage". Any brewed or fermented malt product or any product made from the fermented juices of grapes, fruits, or other agricultural products that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in this definition do not include a soft drink such as root beer, birch beer, or ginger beer.
- (k) "Manufacture". All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.
- (l) "Manufacturer". Any person engaged in the business of manufacturing beer or intoxicating liquor.
- (m) "Mixed Beverages". Include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume. The phrase includes the contents of a pod.
- (n) "Nightclub". A place habitually operated for profit, where food is served for consumption on the premises, and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.
- (o) "Person". Includes firms and corporations.
- (p) "Pharmacy". An establishment as defined in Ohio R.C. 4729.01, that is under the management or control of a licensed pharmacist in accordance with Ohio R.C. 4729.27.

- (q) "POD". Means a sealed capsule made from plastic, glass, aluminum, or a combination thereof to which all of the following apply:
- (1) The capsule contains intoxicating liquor of more than twenty-one percent (21%) of alcohol by volume.
  - (2) The capsule also contains a concentrated flavoring mixture.
  - (3) The contents of the capsule are not readily accessible or intended for consumption unless certain manufacturer's processing instructions are followed.
  - (4) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents.
  - (5) After being properly processed according to the manufacturer's instructions, the final product produced from the capsule contains not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume.
- (r) "Restaurant". A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.
- (s) "Sale" and "Sell". The exchange, barter, gift, offer for sale, sale, distribution, and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to Ohio R.C. 4301.21. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the Division of Liquor Control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any orders until the solicitor has been registered with the Division pursuant to Ohio R.C. 4303.25.
- (t) "Sales Area or Territory". An exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. The term does not include, however, any particular retail location in an exclusive geographic area or territory that had been assigned to another A or B permit holder before April 9, 2001.
- (u) "Sealed Container". Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.
- (v) "Spirituous Liquor". All intoxicating liquors containing more than twenty-one percent (21%) of alcohol by volume. The phrase does not include the contents of a pod.
- (w) "Vehicle". All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.
- (x) "Wholesale Distributor" and "Distributor". A person engaged in the business of selling to retail dealers for purposes of resale.
- (y) "Wine". All liquids fit to use for beverage purposes containing not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume, that is made from the fermented juices of grapes, fruits, or other agricultural products. The term includes cider, except as used in Ohio R.C. 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44, and, for purposes of determining the rate of the tax that applies, Ohio R.C. 4301.43(B), the term does not include cider.  
(ORC 4301.01, 4301.244)

**529.02 SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS.**

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or shall buy beer or intoxicating liquor for an underage person, or shall furnish it to, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is supervised by a parent, spouse who is not an underage person or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this subsection shall be charged, for the same offense, with a violation of Ohio R.C. 4301.22(A)(1).

(b) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person or legal guardian and the parent, spouse who is not an underage person or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this subsection that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he knows or has reason to know either of the following:

- (1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;
- (2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

(g) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming any low-alcohol beverage, unless the low-alcohol beverage is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian, and the parent, spouse who is not an underage person, or legal guardian is present when the person possesses or consumes the low-alcohol beverage.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(h) No underage person shall knowingly possess or consume any low-alcohol beverage in any public or private place, unless accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the low-alcohol beverage is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(i) No parent, spouse who is not an underage person, or legal guardian of an underage person shall knowingly permit the underage person to violate this section. (ORC 4301.631)

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

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

#### **529.07 OPEN CONTAINER PROHIBITED.**

(a) As used in this section:

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

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

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

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

- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2(f), A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7 or F-8 permit;
  - B. Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
  - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
  - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
  - E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.
- (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.
- (3) A. A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.
- B. As used in subsection (c)(3)A. of this section:
- 1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
  - 2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.
- (4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

- (2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.
- (3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:
  - A. It has four wheels and is operated in a manner similar to a bicycle.
  - B. It has at least five seats for passengers.
  - C. It is designed to be powered by the pedaling of the operator and the passengers.
  - D. It is used for commercial purposes.
  - E. It is operated by the vehicle owner or an employee of the owner.

(g) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in subsection (g) of this section, "market" means an establishment that:

- (1) Leases space in the market to individual vendors, not less than fifty percent of which are retail food establishments or food service operations licensed under Ohio R.C. Chapter 3717;
- (2) Has an indoor sales floor area of not less than twenty-two thousand square feet;
- (3) Hosts a farmer's market on each Saturday from April through December. (ORC 4301.62)

- (h) (1) As used in this section, "alcoholic beverage" has the same meaning as in Ohio R.C. 4303.185.
- (2) An alcoholic beverage in a closed container being transported under Ohio R.C. 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing. (ORC 4301.62)

(i) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with Ohio R.C. 4301.201(E). (ORC 4301.62)

(j) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4301.99(A))

#### **529.08 HOURS OF SALE OR CONSUMPTION.**

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

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

- (1) From Monday to Saturday between the hours of one a.m. and five thirty a.m.

- (2) On Sunday between the hours of one a.m. and Sunday midnight, unless statutorily authorized otherwise.
  - (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.
- (c) No beer, wine, mixed beverages, or spirituous liquid shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5G, D-5I, D-5J, D-5L, D-5m, D-5n, D-5o, or D-7 permit holder:
- (1) From Monday to Saturday between the hours of two thirty a.m. and five thirty a.m.
  - (2) On Sunday between the hours of two thirty a.m. and Sunday midnight, unless statutorily authorized otherwise.
  - (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages or spirituous liquor for on-premises consumption.
- (d) Permit holders authorized to sell beer, wine, mixed beverages, or spirituous liquor at retail who are not specifically identified in subsection (b) or (c) above shall be subject to the provisions of subsection (b), unless statutorily authorized otherwise.
- (e) The hours on Sunday during which sales, delivery, or consumption of alcoholic beverages may take place are established by statute, but in no event shall they begin prior to five thirty a.m. (OAC 4301:1-1-49)
- (f) Whoever violates this section is guilty of a minor misdemeanor.

**529.09 DRINKING IN PUBLIC PLACES OR ON PRIVATE PROPERTY.**

- (a) No person shall consume any beer or intoxicating liquor while upon any public street, alley, sidewalk, public building or upon any other public property within the City except as follows:
- (1) Beer and/or wine may be consumed, from paper or plastic containers only, upon a public street, alley, sidewalk, public building or other public property when the same is being sold by the holder of an F or F-2 permit issued by the Ohio Department of Liquor Control, the holder of which has applied to Council for prior permission to use such public street, alley, sidewalk, public building or other public property for a special function at which such beer and/or wine is to be sold and has received such permission.
  - (2) Beer or intoxicating liquor may be consumed, from paper or plastic containers only, by the holder of a valid small boat mooring harbor permit, his passengers and guests, within the confines of that portion of the small boat mooring harbor known as the piers, docks and boardwalk, not including that portion of the boardwalk contiguous to the Huron River and extending northerly from the small boat mooring harbor.

(b) No person shall have in his or her possession an opened or unopened container of beer or intoxicating liquor on and within the premises for which an F-2 permit has been issued by the Ohio Department of Liquor Control, except for beer or intoxicating liquor sold by the F-2 permit holder; provided, however, that the holder of a valid mooring permit for the small boat mooring harbor returning to his boat may transport unopened containers of beer and/or intoxicating liquor through the F-2 permit premises if he displays his mooring permit upon entering the F-2 permit premises.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.  
(Ord. 1984-20. Passed 5-14-84.)

**529.10 MINORS PROHIBITED WHERE LIQUOR SOLD; EXCEPTIONS.**

(a) No owner or operator of any premises or place of business licensed under an Ohio State Liquor Permit designated as D-1, D-2, D-3, D-3a, D-4 or D-5 shall allow any minor under the age of eighteen years to, nor shall any such minor, be or remain upon any such premises or place of business, unless accompanied by such minor's parent, legal guardian or custodian.  
(Ord. 461. Passed 7-25-60.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.  
(Ord. 1962-20. Passed 7-23-62.)

**529.99 PENALTY.**

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



**CHAPTER 537**  
**Offenses Against Persons**

<b>537.01</b>	<b>Negligent homicide.</b>	<b>537.12</b>	<b>Misuse of 9-1-1 system.</b>
<b>537.02</b>	<b>Vehicular homicide and manslaughter.</b>	<b>537.13</b>	<b>Adulterating of or furnishing adulterated food or confection.</b>
<b>537.021</b>	<b>Vehicular assault in a construction zone.</b>	<b>537.14</b>	<b>Domestic violence.</b>
<b>537.03</b>	<b>Assault.</b>	<b>537.15</b>	<b>Temporary protection order.</b>
<b>537.04</b>	<b>Negligent assault.</b>	<b>537.16</b>	<b>Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products; transaction scans.</b>
<b>537.05</b>	<b>Aggravated menacing.</b>	<b>537.17</b>	<b>Reserved.</b>
<b>537.051</b>	<b>Menacing by stalking.</b>	<b>537.18</b>	<b>Contributing to unruliness or delinquency of a child.</b>
<b>537.06</b>	<b>Menacing.</b>	<b>537.19</b>	<b>Hazing prohibited.</b>
<b>537.07</b>	<b>Endangering children.</b>	<b>537.99</b>	<b>Penalty.</b>
<b>537.08</b>	<b>Unlawful restraint.</b>		
<b>537.09</b>	<b>Coercion.</b>		
<b>537.10</b>	<b>Telecommunication harassment.</b>		
<b>537.11</b>	<b>Threatening or harassing telephone calls.</b>		

**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, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) A. Negligently;

- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this 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.
- (2) 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)(1) 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. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) 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.

(d) Shipment of Tobacco Products.

(1) As used in this subsection (d):

A. "Authorized recipient of tobacco products" means a person who is:

1. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
2. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
3. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;
4. An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;
5. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
6. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
7. A person having a consent for consumer shipment issued by the Tax Commissioner under Ohio R.C. 5743.71.

B. "Motor carrier." Has the same meaning as in Ohio R.C. 4923.01.

(2) The purpose of this division (d) is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.

(3) A. No person shall cause to be shipped any cigarettes to any person in this municipality other than an authorized recipient of tobacco products.

B. No motor carrier or other person shall knowingly transport cigarettes to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the motor carrier or other person knew that the person to whom the cigarettes were delivered was not an authorized recipient of tobacco products.

(4) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this municipality in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes."

(5) A court shall impose a fine of up to 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))

**537.99 PENALTY.**

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

- (5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima-facie evidence of the value of the instrument.
- (6) When the property involved is a ticket of admission, ticket for transportation, coupon, token or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services that may be received by the instrument, is prima-facie evidence of the value of the instrument.
- (7) When the services involved are gas, electricity, water, telephone, transportation, shipping or other services for which the rate is established by law, the duly established rate is prima-facie evidence of the value of the services.
- (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)

- (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.

(b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

- (1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;
- (2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.

(c) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is one thousand dollars (\$1,000) or more, insurance fraud is a felony and shall be prosecuted under appropriate State law.

(d) This section shall not be construed to abrogate, waive or modify Ohio R.C. 2317.02(A). (ORC 2913.47)

#### **545.08 UNAUTHORIZED USE OF PROPERTY.**

(a) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(b) The affirmative defenses contained in Section 545.06(c) are affirmative defenses to a charge under this section.

(c) Whoever violates this section is guilty of unauthorized use of property. Except as provided in subsection (d) hereof, unauthorized use of property is a misdemeanor of the fourth degree.

(d) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is a misdemeanor of the first degree. Unauthorized use of property is a felony and shall be prosecuted under appropriate State law if:

- (1) Unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is one thousand dollars (\$1,000) or more; or
- (2) If the victim of the offense is an elderly person or disabled adult.  
(ORC 2913.04)



**545.09 PASSING BAD CHECKS.**

- (a) As used in this section:
- (1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:
    - A. A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;
    - B. An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.
  - (2) "Issue a check" means causing any form of debit from a demand deposit account.
- (b) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.
- (c) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:
- (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.
  - (2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.
- (d) In determining the value of the payment for purposes of subsection (e) of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of subsection (a) of this section within a period of one hundred eighty consecutive days.
- (e) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this subsection, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of one thousand dollars (\$1,000) or more or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand five hundred dollars (\$1,500) or more, passing bad checks is a felony and shall be prosecuted under appropriate State law.  
(ORC 2913.11)

**Appendix A - Permitted Uses**

Use	MU-RFD	MU-CD	MU-GD
<b>Residential and Lodging</b>			
A. Single-family dwellings	NP	NP	NP
B. Townhouses, stacked or otherwise	P	P	P
C. Dwelling units on the first floor of a commercial building	NP	NP	NP
D. Dwelling units above the first floor of a commercial building	P	P	P
E. Hotel, 16 or fewer guest rooms	P	NP	P
F. Hotel, greater than 16 guest rooms	P	P	P
G. Bed and Breakfast	P	NP	NP
H. Transient Rental	P	P	P
<b>Office and Professional Services</b>			
A. Administrative, business and/or professional office	P	P	P
B. Bank and other financial institutions (not payday loan centers)	P	P	P
C. Medical or Dental Office	NP	P	P
D. Medical, Dental or Health Services Clinic (Definition examples)	NP	P	P
E. Veterinary service clinics	NP	NP	NP
<b>Retail, Entertainment and Services</b>			
A. Retail establishments	P	P	P
B. Restaurant, indoor seating	P	P	P
C. Restaurant, outdoor seating	P	P	P
D. Drive-thru facility	NP	NP	NP
E. Bars and Taverns	P	P	P
F. Artisan studios, photography shops, and art galleries	P	P	P
G. Grocery Stores	NP	NP	NP
H. Anchor or box retail	NP	NP	P
I. Outdoor displays or sales	C	C	P
J. Service establishment, personal	P	P	P
K. Bakery	P	P	P
L. Farmers Market or open air market	P	C	C
M. Breweries, distilleries, wineries and associated tasting rooms	P	P	P
N. Strip center development	NP	NP	NP

<b>Entertainment - Recreation</b>			
A. School, specialty or personal instructor	P	P	P
B. Theater, indoor	P	P	P
C. Assembly hall, membership club, conference center	P	P	P
D. Public park or playground area	P	P	P
E. Accessory outdoor recreational facilities	P	NP	P
F. Bowling alleys	P	NP	P
<b>Community and Civic Facilities/Other</b>			
A. Places of worship/Church	P	P	NP
B. Library	P	P	NP
C. Cultural institution	P	P	NP
D. Governmental offices	P	P	NP
E. Parking surface area	P	P	P
F. Parking structure	P	P	P

(Ord. 2022-5. Passed 2-8-22.)

- ii. All digital displays must be equipped with both a dimmer control and photo sensor, which will automatically adjust the display intensity according to natural ambient light conditions.
  - iii. The use of Light Emitting Diodes (LED) bulbs or other technology that emits light in a highly concentrated intensity in electronic message boards is prohibited.
  - iv. Digital displays may not display light of an intensity or brilliance to cause glare or otherwise impair vision of the operator of a motor vehicle.
  - v. Color of lighting shall be designated in the permit application and be subject to approval by the Planning Commission.
  - vi. No electronic message boards shall be placed within one-hundred and twenty-five (125) feet of a residential district.
- F. Sound Prohibited. Signs or signage devices that project sound are prohibited.
- (7) Temporary Signs. The following regulations for temporary signs are in addition to the maximum sign area and height regulations set forth in Appendix A - Maximum Signage Area
- A. Temporary / Political / Real Estate / Contractor: Temporary signs announcing any proposed building, a building under construction, remodeling or reconstruction, advertising the sale, rental or lease of any building, buildings, or a part thereof, or political / special event signs shall comply with the following:
- i. Such signs shall be located on private property. Any signs announcing a proposed building, a building under construction or remodel, or advertising the sale, rental or lease of any building, buildings, or part thereof shall be located on the lot to be occupied or occupied by the building or use advertised.
  - ii. Such signs cannot be placed within the City Right-of-way.
  - iii. Garage or Home Sale Sign. One temporary sign promoting a garage sale shall be permitted on the site of the sale. Such sign shall be posted on private property for a period not to exceed three (3) calendar days or the length of the sale, whichever is less, on not more than two separate occasions in any given calendar year. Such sign shall not exceed a total of six (6) square feet. If the sale is to take place at a property that is within a residential subdivision, one (1) additional temporary directional sign may be placed at the logical entrance point to the subdivision. Such sign shall not be affixed to any utility poles or other infrastructure within the Right-of-Way and is limited to three (3) square feet. Any garage or home sale signs shall not be located within the Right-of-way or affixed to any infrastructure within the Right-of-way, including utility poles and street signs. Placement of a garage or home sale sign will be authorized through the issuance of a garage or home sale permit. Signs must include the property address of the sale and must be collected once sale is completed

- (e) Supplementary Sign Regulations. The following sign regulations are in addition to the maximum sign area and height regulations set forth in Sections 1129.04:
- (1) Freestanding Signs for Gasoline Stations. Freestanding commercial identification signs are permitted for gasoline stations in compliance with the following regulations:
- A. One (1) freestanding identification sign with a maximum area of thirty-six (36) square feet per sign face is permitted per development. The area of the freestanding sign shall be in addition to the maximum area permitted by Appendix A - Maximum Signage Area.
  - B. No portion of any freestanding sign shall project into the public right-of-way. (Ord. 2015-8. Passed 8-25-15.)

#### **1129.06 DESIGN AND CONSTRUCTION STANDARDS.**

In addition to assuring compliance with the numerical standards of these regulations, the Planning Commission, when approving signs, shall consider the proposed general design, arrangement, texture, material, colors, lighting placement and the appropriateness of the proposed sign in relationship to other signs and the other structures both on the premises and in the surrounding areas, and only approve signs which are consistent with the intent, purposes, standards and criteria of the sign regulations. Specific standards for determining the appropriateness of the sign shall include, but not be limited to the following conditions:

- (a) The lettering shall be large enough to be easily read from the public street but not out of scale with the building, site or streetscape.
- (b) The number of items (letters, symbols, shapes) shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
- (c) The shape of the sign shall not create visual clutter.
- (d) Signs shall have an appropriate contrast and be designed with a limited number of, and with the harmonious use of, colors. Signs and awnings, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block. Continuity of design means uniformity of background colors or harmonious use of a limited range of complementary background colors.
- (e) The size, style and location of the sign shall be appropriate to the activity of the site as prescribed elsewhere in these regulations.
- (f) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture. The sign shall reflect the primary purpose of identifying the name and type of establishment.
- (g) The sign should be consolidated into a minimum number of elements.
- (h) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.
- (i) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.
- (j) All signs in business and industrial districts may be illuminated provided that light sources to illuminate such signs shall be shielded from all adjacent residential buildings and streets, and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists, or as to cause reasonable objection from adjacent residential districts.
- (k) No flashing or moving parts shall be permitted for any sign or advertising display within the City.

- (l) No paper or similarly pliable material posters shall be applied directly to the wall, building or pole or other support. Letters or pictures in the form of advertising that are printed or painted directly on the wall of a building are prohibited, except for window signs pursuant to this chapter and conditionally permitted murals.
- (m) No sign shall be erected, located or maintained in a location where it interferes with free vision of traffic approaching any intersection of streets, roads, alleys, private drives or other vehicular ways; not where it may interfere with, obstruct the view, or be confused with an authorized traffic sign or safety device. No sign or advertising device shall be permitted which, by color, location or design, resembles or conflicts with traffic control signs or devices.
- (n) No signs shall be placed, erected or maintained so as to obstruct, in any manner, any fire escape or window, door, exit or entrance to or from any building, or otherwise be placed in the City's right-of-way.
- (o) No sign shall be placed, erected or maintained in a manner which will interfere with the proper and convenient protection of property by the Division of Fire.
- (p) Pennants, banners, streamers, whirligig devices, balloons, inflatable devices, and other similar devices are prohibited except for banners and pennants when part of public information signs installed by the City.
- (q) Billboards and other off-premise signs are prohibited.
- (r) Signs of any type may not be affixed or attached to any utility infrastructure or public infrastructure within the public right-of-way.
- (s) All signs shall be designed, constructed, and erected in a professional and workmanlike manner, in conformance with all applicable building codes, and with materials which are durable for the intended life of the sign. Signs shall be designed, constructed, fastened or anchored to withstand various weather elements.
- (t) For any sign which projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such sign in such form and in such amount as the Law Director may reasonably determine. Proof of such insurance shall be required prior to obtaining a permit.
- (u) Freestanding signs shall be designed and located so as not to obstruct a driver's visibility entering or exiting property or to be a safety hazard to pedestrians or vehicles, and shall comply with the requirements set forth by the Chief of Police for maintaining clear sight at an intersection.
- (v) "Feather Signs" are prohibited.
- (w) The City Council has full review and approval authority for any sign erected in the median of State Route 6 between the walk-over bridge and Williams Street.  
(Ord. 2021-36. Passed 10-26-21.)

#### **1129.07 SIGN ILLUMINATION STANDARDS.**

- (a) Illumination.
  - 1. Permitted are the following types of illumination for all activities in all areas, except residential districts, subject to the limitations indicated in this Section.
    - A. Colored light.
    - B. Flashing signs which consist of a light which is intermittently on and off are prohibited.

- C. Illuminated surface colors, internal illumination, such as a light source concealed or contained within the sign, and which becomes visible in darkness through a translucent surface.
  - D. Indirect illumination, such as a light source not seen directly. Floodlight illumination, provided that the floodlight or spotlight is positioned so that none of the light shines onto an adjoining property or in the eyes of pedestrians or motorists.
  - E. Neon tube illumination such as a light source applied by a neon tube which is bent to form letters, symbols or other shapes.
  - F. Illumination controls. Flashing, moving, rotating intermittently lighted signs or other mechanically rotated or eye-catching devices shall be prohibited. Display signs illuminated by electricity, or equipped in any way with electric devices or appliances, shall conform with respect to wiring and appliances to provisions of the Chapter relating to electrical installations. Signs shall not be illuminated by fluorescent lamps using more than four hundred twenty-five (45) milliamperes or by transformers of more than thirty (30) milliamperes capacity. Fluorescent lamps of eight hundred (800) milliamperes may be used provided the spacing between such lamps is no less than nine (9) inches from center to center of lamp and such lamps are not closer than five (5) inches from center of lamp to inside face or faces of sign. Neon tubing may be powered by milliampere transformers only when such tubing is used to back light silhouetted letters or for the internal illumination of plastic faced signs or letters. Such tubing shall not be visible to the eye and shall not be closer than one (1) inch to the plastic face or letter of any sign.
- 2. Signs shall be permitted to be illuminated in compliance with the following:
    - A. Light sources shall be shielded from all adjacent buildings and streets.
    - B. Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists.
    - C. Light shall be directed in a way to reduce glare and light distribution or trespass onto adjacent properties. Light intrusion and dispersion efforts shall be in effect to mitigate adverse effects of light trespass and glare onto residential properties.
    - D. The illumination of signs shall not obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.
  - 3. In single and two-family residential districts, temporary signs shall not be illuminated. Permanent, freestanding signs shall only be externally illuminated using white light only and must be positioned so that none of the light shines onto an adjoining property or in the eyes of pedestrians or motorists. (Ord. 2015-8. Passed 8-25-15.)

#### **1129.08 MAINTENANCE.**

All signs shall be maintained in accordance with the following:

- (a) The property owner, owner of the sign, tenant, and agent are required to maintain the sign and building in a condition fit for the intended use and in good repair, and such person or persons have a continuing obligation to comply with all Building Code requirements.

## Schedule 1129.10(f)

Number of Uses Per Sign	Minimum Setback	Maximum Height	Maximum Display Area
Single Use	40 ft.	20 ft.	80 sq. ft.
2-4 Uses	40 ft.	25 ft.	150 sq. ft.
5-7 Uses	50 ft.	30 ft.	180 sq. ft.
8+ Uses	50 ft.	35 ft.	200 sq. ft.
Temporary Real Estate Signs	10 ft.	15 ft.	40 sq. ft.

\*Sign height measured from the natural grade elevation

- (g) Signs shall be placed at a minimum distance equal to the height of the sign from any adjacent lot line of a residentially zoned parcel.
- (h) Signs shall be placed and oriented so that its message area is clearly and continuously visible from at least one direction of travel along State Route 2 for at least five (5) seconds for a motorist traveling at the maximum allowable speed.
- (i) Under no circumstance shall any type of on-premises sign allowable under this section contain a message or display that appears to flash, undulate, pulse, move, scroll, portray explosions, fireworks, flashes, blinking or flashing light, appear to move toward or away from view, expand or contract, rotate, twist or display any other comparable movements that may distract drivers.
- (j) The base of any sign shall be landscaped in accordance with Section 1129.05(d)(iv).
- (k) Signs subject to this section shall be erected and maintained in accordance with all Federal and State regulations regarding highway commercial signage.  
(Ord. 2015-8. Passed 8-25-15.)

**1129.11 ADMINISTRATIVE PROCEDURES.**

Subject to the exceptions noted herein, no sign shall be erected, placed or maintained within the City limits without first obtaining a sign permit from the Zoning Inspector, upon review by the Zoning Inspector and approval from the Planning Commission, and paying the required fee. Signs containing electrical components also shall be subject to the provisions of the City Electrical Code and the permit fees required thereunder.

- (a) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Chapter have been met and all proper permits have been obtained.
- (b) Application for Sign Permit. Any application for a sign permit shall be submitted to the City and include the following information or exhibits:
  - (1) A site drawing and measurements, depicting a rendition of the proposed sign, the specific location of intended posting in relation to all existing buildings and site amenities, the immediately surrounding area, and other required information which demonstrates compliance with all provisions concerning such signs, such landscape provisions, design specifications, and construction specifications.



- (2) Name, address, and contact information of the applicant.
  - (3) Any required electrical permit.
- (c) Permit Issuance. The Zoning Inspector shall review the permit application and related documents, and shall examine the proposed site of erection. If he finds that the requirements of this section have been met, and that the proposed sign is appropriate to its proposed setting, he shall forward the application to the Planning Commission for final approval. Upon review and issuance of a sign permit, and the work authorized under the permit is not completed within six (6) months of its issuance, the permit shall become null and void.
- (d) A permit shall not be required for the following signs when such signs are in full compliance with these sign regulations:
  - (1) A safety/security sign in a residential district
  - (2) A building identification sign in any district
  - (3) House identification, real estate, contractor sign, or political signs not exceeding nine square feet in area and located on the appropriate privately owned property or project area
  - (4) Any changes to the message display area of a previously approved bulletin or changeable copy type sign
  - (5) Holiday themed decorations
- (e) A permit shall be required for the following signs:
  - (1) Multiple-family and conditional uses in residential districts.
    - A. Residential or institutional identification signs;
    - B. Instructional and directional signs that are within five (5) feet of the public right of way;
    - C. All permanent signs that exceed two (2) square feet in area.
  - (2) Business, Industrial, Parking and Park districts.
    - A. Freestanding signs, ground signs, and monument signs (when permitted);
    - B. Projecting, canopy signs, awning signs, and marque signs;
    - C. Wall signs, professional occupation signs, roof signs, and suspended signs;
    - D. Changeable copy, time and temperature signs, and electronic message board signs;
    - E. Illuminated or flashing signs;
    - F. Instructional and directional that are within five (5) feet of the public right of way; and,
    - G. Permanent window signs including any elements that are painted on the window.
- (e) Existing signs. Signs not conforming to this section but which were legal when erected may be continued in use under a special nonconforming permit. This authorization shall not extend beyond the time that the sign requires removal, replacement, relocation or major repair or renovation costing at least half the amount required for a new sign of similar size and construction. Nonconforming signs that are being brought into compliance are subject to the application review process as described in this Code.

- (f) Inspection, correction and removal. If the Zoning Inspector finds that any sign is unsafe or insecure or not maintained in accordance with the requirements of this section, he shall issue written notice to the permit holder directing its correction or removal. If the notice is not complied with within three (3) days of receipt, the Zoning Inspector shall initiate legal process to remove the sign or to enforce compliance. If the sign presents an immediate peril to persons or property, the requirement of notice is waived and the sign may be summarily removed.
- (g) Fees. Fees for all signs, including temporary and portable, shall be that prescribed by the City Council in Section 1321.12 of the Codified Ordinances.  
(Ord. 2021-36. Passed 10-26-21.)

APPENDIX A: MAXIMUM SIGNAGE AREA													
Sign Type	Max. Number Permitted	Maximum Area Per Zoning District											
		R-1	R-1A	R-2	R-3	MU-RFD	MU-COD	MU-GD	B-1	B-2	B-3	I-1	I-2
1. Address Sign	1	2	2	2	2	6	2	6	2	2	2	2	2
2. Advertising Sign (c)						Y	Y	Y	Y	Y	Y	Y	
3. Air Marker												Y	Y
4. Awning Sign	b.					12	12	12	12	12	12		
5. Billboard													
6. Building Identification Sign	1					5	5	5	5	5	5	5	5
7. Canopy sign	b.					12	12	12	12	12	12	12	
8. Changeable Copy Sign	1			15	15	5	5	5	10	10	10		
9. Contractor Sign	1	15	15	15	15	15	15	15	20	20	25	30	30
10. Directional Sign						4	4	4	4	4	4	5	5
11. Feather Sign													
12. Electronic Message Board (c.)								Y	Y	Y	Y	Y	Y
13. Flashing Sign													
14. Geographical Area Sign		C	C	C	C	C	C	C	C	C	C	C	C
15. Ground Sign							e.						
16. Identification Sign	1	8	8	8	8	5	5	8	5	5	5	5	5
17. Illuminated Sign (c.)						Y	Y	Y	Y	Y	Y	Y	Y
18. Marquee Sign	1					15		20	20	20	20		

5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,
6. Emergency and normal shutdown procedures; and,
7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,
8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

G. Commercial wind energy conversion system requirements.

1. Permissible locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.
2. Setbacks.
  - a. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.
  - b. Other uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.
  - c. Inhabited structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.
3. Design standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.
4. Permit applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.
5. Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission.

H. Non-use.

1. Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.

2. Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection.

(g) Interpretation of Zoning Map. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this chapter. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official or other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

- (1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or
- (2) Where a developer of land files an application with the Planning Commission to subdivide, resubdivide or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(j) Conditions in Granting a Variance.

- (1) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.
- (2) The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.
- (3) The variance granted shall be the least variance required to respond to the problem.

- (4) The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(k) Certifications in Variance. Upon granting a variance under one of the two conditions specified in subsection (i) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

- (1) That the conditions of either subsection (i)(1) or (2) hereof permitting the granting of the variance, have been met.
- (2) The manner in which the conditions specified in subsection (j)(2) to (4) hereof have been met, and
- (3) The special conditions of the variance, if any, as authorized in subsection (j)(1) hereof.

(l) Board May Reverse Orders. In exercising its power, the Board may in conformity with the provisions of statute and of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

(Ord. 2021-36. Passed 10-26-21.)

#### **1139.03 DISTRICT CHANGES AND REGULATION AMENDMENTS.**

(a) Council May Amend Ordinance. Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereinafter established by this chapter or amendments thereof. The Planning Commission shall submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this chapter.

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be filed with Council and in turn shall be submitted to the Commission, which shall be allowed a reasonable time, not less than thirty days, for consideration and report to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

- (1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 150 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.

- (2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.
- (3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.
- (4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City.
- (5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full embership of Council. Whenever a written protest against such proposed amendment or reclassification, signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Commission and Council, the ordinance providing for such proposed amendment or reclassification shall not be passed except by a majority vote of Council.
- (6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the costs of publishing, posting and/or mailing notices of hearings.  
(Ord. 2012-32. Passed 7-24-12.)

#### **1139.04 VALIDITY AND REPEAL.**

This Zoning Ordinance and the various chapters, sections and paragraphs thereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.  
(Ord. 2012-32. Passed 7-24-12.)

**TITLE SEVEN - Design Review**  
**Chap. 1141. Design Review Regulations.**

**CHAPTER 1141**  
**Design Review Regulations**

<b>1141.01</b>	<b>Purpose.</b>	<b>1141.06</b>	<b>Reserved.</b>
<b>1141.02</b>	<b>Definitions.</b>	<b>1141.07</b>	<b>Reserved.</b>
<b>1141.03</b>	<b>Reserved.</b>	<b>1141.08</b>	<b>Final decision.</b>
<b>1141.04</b>	<b>Powers and duties of the Planning Commission relating to Design Review.</b>	<b>1141.09</b>	<b>Minimum maintenance requirements.</b>
<b>1141.05</b>	<b>Triggering mechanism.</b>	<b>1141.10</b>	<b>Exclusions.</b>
		<b>1141.99</b>	<b>Penalty.</b>

**1141.01 PURPOSE.**

The purpose of this Chapter is to establish procedures whereby buildings, structures, and signage are reviewed for architectural design features and neighborhood compatibility. This Chapter is in effect for all buildings and structures, except for one and two-family dwellings and their surrounding property and accessory uses throughout the City limits.  
 (Ord. 2021-36. Passed 10-26-21.)

**1141.02 DEFINITIONS.**

The following definitions shall apply only to the provisions of this Chapter 1141 of the Codified Ordinances of the City of Huron (hereinafter referred to as the "City"):

- (a) "Alter or alteration" means any material change in an external architectural feature of any building or structure which lies within the corporate limits of the City, including demolition, removal, construction, modification to existing signage, placement of new signage, roofs, windows, siding, awnings/canopies, additions, and doors/entrances; but not including the landscaping of real property. Repainting a structure the same color and color scheme as existed immediately prior to such repainting shall not constitute an alteration for purposes of this Chapter.
- (b) "Applicant" means any owner, owners, person(s), association, partnership, company, or corporation who applies for a zoning and/or building permit in order to undertake any alteration on a building or structure subject to this Chapter.
- (c) "External architectural feature" means the architectural style, general design and arrangement of the exterior of a structure, including, but not limited to, the type, color (for new construction and rehabilitation), and texture of the building material, doors, windows, roof, porches and other appurtenant fixtures.



- (d) "Buildings and/or structures" means all buildings and/or structures, with the exception of one and two-family dwellings, and their accessory buildings and/or structures.
- (e) "Council" means the Huron City Council.  
(Ord. 2021-36. Passed 10-26-21.)

**1141.03 RESERVED.**

EDITOR'S NOTE: This section has been reserved for future legislation.

**1141.04 POWERS AND DUTIES OF THE PLANNING COMMISSION RELATING TO DESIGN REVIEW.**

The Planning Commission may adopt rules and regulations governing its procedures and transactions relating to and consistent with this Chapter. The Planning Commission shall meet as required to carry out the review of applications for projects, or in the case of a sign, a request for a permit, as required by this Chapter and such other related work as may be accepted through request of Council or undertaken on its own motion. Meetings shall be held in accordance with the rules of the Planning Commission as required when there are applications to be considered and not less than once annually. Special meetings may be held at the call of the chairperson of the Planning Commission.

Within the City limits, the Planning Commission shall review any proposed new construction, alterations to property, and signage as herein defined. The Planning Commission's approval of such new construction, alterations, and signage shall be secured before any owner of property may commence work thereon.

In reviewing proposed new construction, alterations, and signage, the Planning Commission shall at a minimum use as evaluative criteria, the following:

- (a) Materials shall be appropriate for the use of the structures, weathering, and the relationship to other materials, including those used on adjacent structures.
- (b) Colors and textures shall be appropriate for the size and scale of the structures, weathering, and the relationship to other colors and textures, including those used on adjacent structures.
- (c) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of the structures, weathering, and the relationship to other architectural details and ornamentation, including those used on adjacent structures. Detailing such as trim, moldings, bands of contrasting siding or brick, and varying textures of concrete or stone are encouraged as part of an overall design which is in-scale with the building and carefully related to other elements.
- (d) Mechanical equipment shall be of appropriate size and scale in relation to rooftop appearance, sidewall openings, sound levels, smoke detectors and other nuisances. The location, color, size, type, and screening of mechanical equipment, whether on the roof, walls, or ground, shall be designed to be concealed, and/or to be compatible with or attractively complement the other elements of the structures and site improvements.
- (e) Windows, doors, and other openings shall be so located on the facades, and be of such dimensions, as are appropriate for the style, scale, and orientation of the building and in a pattern which contributes to a balanced facade appearance. Customer entrances should be accentuated. Decorative elements, caps, brickwork, and trim are encouraged around windows and doors to add interest to the overall design.

- (f) Architectural styles similar to or compatible with existing historical buildings adjacent to or across the street from the structure shall be encouraged. Compatibility and complementary elements among existing and proposed new structures shall be encouraged in all locations.
- (g) Scale of new construction should be similar to that of the majority of surrounding buildings.
- (h) Varied roof lines, roof details and features such as dormers, turrets, eave breaks, and overhangs are encouraged in new construction as a means to break up the mass of large buildings and to provide visual interest.
- (i) Wall mounted signs shall be designed to fit within and complement the architectural forms, colors, and textures of the building, shall fit within any architectural space specifically designed for signs, and shall not cover architectural features. Signs located as part of a series of signs (such as in a shopping center), shall be designed with compatibility of location, size, shape, style, material, illumination, and color with other signs in the series.
- (j) Sign Design Sign colors shall complement the color of the building façade on which the sign is mounted, letters and symbols shall be in scale with the building and its features. Excessive information and clutter are discouraged.
- (k) Freestanding signs shall be designed to fit within and complement the characteristics of the site, building, and wall signs in terms of color, materials, texture, and scale.
- (l) Alterations and additions to existing buildings shall be compatible in scale, material, color, placement, and character with the existing buildings.
- (m) Distinctive architectural features of existing buildings should not be altered or removed unless replaced with features of similar composition, texture, color, design, and other characteristics. Restoration of historic features and building characteristics shall be encouraged.
- (n) Side and rear walls shall be so designed as to relate to and be compatible with the front or main entry wall and overall design of the building, although they may be less detailed and articulated.
- (o) Site features such as fences, walls, and signs compatible in color, texture, scale, materials, and other characteristics with the main building shall be encouraged.  
(Ord. 2021-36. Passed 10-26-21.)

#### **1141.05 TRIGGERING MECHANISM FOR DESIGN REVIEW.**

Once a property owner applies for the required site plan review, or in the case of a sign, for a permit, an application will be forwarded to them. All property owners of structures within the City limits must receive Planning Commission design approval prior to building permit issuance. (Ord. 2021-36. Passed 10-26-21.)

#### **1141.06 RESERVED.**

EDITOR'S NOTE: This section has been reserved for future legislation.

#### **1141.07 RESERVED.**

EDITOR'S NOTE: This section has been reserved for future legislation.

**1141.08 FINAL DECISION.**

The final decision on architectural reviews will rest with the Planning Commission. Appeals of the final decision of the Planning Commission will be in accordance with Section 1313.03 (f) of the Codified Ordinances.  
(Ord. 2021-36. Passed 10-26-21.)

**1141.09 MINIMUM MAINTENANCE REQUIREMENT.**

The owner of any structure within the City limits shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration, including if the building is vacant or inhabited.  
(Ord. 2021-36. Passed 10-26-21.)

**1141.10 EXCLUSIONS.**

Normal and ordinary maintenance functions performed on buildings and the removal/demolition of declared public nuisances (e.g. fire damaged buildings) that pose a threat to the health and safety of the general public shall be excluded from this chapter.  
(Ord. 2021-36. Passed 10-26-21.)

**1141.99 PENALTY.**

(a) Whoever constructs, reconstructs, alters, changes, or demolishes, any exterior feature of any structure, work of art, object, or area in violation of this Chapter, or whoever maintains, changes, or installs a sign in violation of this Chapter, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1139.01 (h) and (i) of the Zoning Code.

(b) Each day of violation shall constitute a separate distinct violation for as long as one (1) year with respect to alterations and for as long as two (2) years with respect to demolition.  
(Ord. 2021-36. Passed 10-26-21.)

**CHAPTER 1307**  
**Property Maintenance Code**

<b>1307.01</b>	<b>International Property</b>	<b>1307.03</b>	<b>Enforcement.</b>
	<b>Maintenance Code adopted.</b>	<b>1307.99</b>	<b>Penalty.</b>
<b>1307.02</b>	<b>Definitions.</b>		

**CROSS REFERENCES**

Adoption by reference - see CHTR. 3.08  
 Junk vehicles - see GEN. OFF. Ch. 523  
 Collection of refuse - see GEN. OFF. 521.08  
 Weeds - see GEN. OFF. Ch. 557

**1307.01 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.**

There is adopted for the purpose of establishing rules and regulations for the maintenance of property within the City of Huron that certain property maintenance code known as the International Property Maintenance Code, 2021 edition, in its entirety. A complete copy of the International Property Maintenance Code adopted herein is on file with the Clerk of Council for inspection by the public and is also on file in the Sandusky Bay Law Library. The Clerk of Council also has copies available for distribution to the public, at cost.  
 (Ord. 2022-7. Passed 1-25-22.)

**1307.02 DEFINITIONS.**

Wherever titles, words and phrases are used in portions of the International Property Maintenance Code, as adopted, such terms shall be construed to mean the equivalent officer, word or phrase applicable to the City.

- (a) "Code Official" as used in the International Property Maintenance Code means the Building Official of the City or his/her designee who is charged with the administration and enforcement of the International Property Maintenance Code in the City.
- (b) "Board of Appeals" means the Board of Building and Zoning Appeals created by Section 7.02 of the City Charter. (Ord. 2019-12. Passed 6-25-19.)

**1307.03 ENFORCEMENT.**

No person, corporation, or firm shall violate or fail to comply with any of the provisions and requirements of the International Property Maintenance Code, as adopted in Section 1307.01, or fail to comply with any Orders made thereunder.  
 (Ord. 2019-12. Passed 6-25-19.)

**1307.99 PENALTY.**

(a) Whoever violates or fails to comply with any of the provisions and requirements of the International Property Maintenance Code, as adopted in Section 1307.01, or fails to comply with any order made thereunder, shall be guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree for any offense charged within one year of a conviction on a first offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) The application of the penalty provided in division (a) hereof shall not be held to prevent the forced removal of prohibited conditions by the City through any legal and/or equitable remedies. (Ord. 2019-12. Passed 6-25-19.)

### **TITLE THREE - Administration**

- Chap. 1313. Site Plan and Storm Water Pollution Prevention Plan (SWPPP) Review.
- Chap. 1315. Storm Water Management.
- Chap. 1317. Storm Water Management - Post-Construction.
- Chap. 1321. Permits and Fees.
- Chap. 1323. Contractors.

### **CHAPTER 1313**

#### **Site Plan and Storm Water Pollution Prevention Plan (SWPPP) Review**

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|------------------------------|---|
| <b>1313.01 Purpose.</b>      | <b>1313.03 Procedure for filing and review.</b> |
| <b>1313.02 Requirements.</b> | <b>1313.04 Fees.</b>                            |
|                              | <b>1313.99 Penalty.</b>                         |

### **CROSS REFERENCES**

Plans and fees under Ohio Building Code - see BLDG.  
1301.10

#### **1313.01 PURPOSE.**

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site, parcel or property, a suitable site development plan and a SWPPP shall be submitted to the Department of Building and Housing and that such plans shall be subject to review by the City Planning Commission, City Building and Housing Department, and the City Engineering Office.  
(Ord. 2013-39. Passed 9-24-13.)

#### **1313.02 REQUIREMENTS.**

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

- (1) A scale drawing showing:
  - A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
  - B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.

- C. The extent and type of parking lot and driveway paving.
  - D. The location and dimensions of all pedestrian ways and/or sidewalks.
  - E. The location and size of all existing and proposed utilities.
  - F. Complete building elevations and signage including color renderings of the same
  - G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.
  - H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.
- (2) A written statement containing the following:
- A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
  - B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
  - C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:  
A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.
- (2) The location of vehicular ingress and egress and the dimensions of the same.
- (3) The location and dimensions of all pedestrian ways and/or sidewalks.
- (4) The location and size of all existing and proposed utilities.
- (5) Complete building elevations.
- (6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.  
(Ord. 2021-36. Passed 10-26-21.)

### **1313.03 PROCEDURE FOR FILING AND REVIEW.**

(a) For all site plans (including design review requirements), with the exception of single or two- family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

- (1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.
- (b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.
- (c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.
- (d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.
- (e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.
- (f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.
- (g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.
- (h) Any property owner entitled to notice of the Planning Commission's review(including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.



(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.  
(Ord. 2021-36. Passed 10-26-21.)

**1313.04 FEES.**

Fees for the review of the site development plan, including the design review, as required by this chapter, shall be as prescribed by Council in Section 1321.12.  
(Ord. 2013-39. Passed 9-24-13.)

**1313.99 PENALTY.**

Whoever violates any portion of this Chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01 (h) and (i) of the Zoning Code.  
(Ord. 2013-39. Passed 9-24-13.)

(c) It is not a defense to any subsequent enforcement action that the notice provided by the Department was not actually delivered to the Owner provided that one of the methods of delivery set forth in Section 1369.13(b) was attempted in good faith by the Department but was not accomplished through no fault of the Department.  
(Ord. 2021-7. Passed 3-23-21.)

### **1369.98 DEFINITIONS.**

As used in this chapter:

- (a) "Authorized Representative" means any individual, person, firm, partnership, corporation or company, other than an Owner, acting on behalf of an Owner of a Transient Rental Property responsible for ensuring compliance with all provisions of this Chapter and registered as the Owner's Authorized Representative with the Department.
  - (1) For purposes of this Chapter, actions taken by an Authorized Representative acting on behalf of the Owner shall have the same legal force and effect as if such acts were taken by the Owner.
  - (2) No Owner shall be absolved of individual liability solely on the basis that acts were taken by an Authorized Representative and not the Owner.
- (b) "Application" means the submission of all information required by this Chapter, and payment of the required fees, for registering: (i) a Residential Premises as new Transient Rental Property to obtain a Transient Rental Registration Certificate; or (ii) to obtain a Renewal Transient Rental Registration Certificate. For avoidance of doubt, a new Transient Rental Property shall be considered a Transient Rental Property for which the Owner of has failed to maintain a valid or renewable Transient Rental Registration Certificate. (Ord. 2021-7. Passed 3-23-21.)
- (c) "Calls for Service" means any and all calls, including, but not limited to, those to law enforcement, fire department, or emergency assistance of any kind when those calls result in a representative of a law enforcement agency, a fire department, or another emergency assistance service being dispatched or directed to the Residential Premises and;
  - (1) Allege criminal activity, including, but not limited to, disturbance of the peace that results in an arrest, charge or citation of persons occupying or on the premises of a Transient Rental Property; or
  - (2) Result in a reasonable finding by the Department, after review of relevant police, fire, and emergency run reports, of an imminent threat to safety of person(s) or property as a result of activities occurring on a Transient Rental Property. (Ord. 2021-29. Passed 8-10-21.)
- (d) "Department" shall mean and refer to the Building and Zoning Department of the City of Huron.
- (e) "Hosting Platform" means any person or entity in any form, format, or media that, in exchange for a fee, assists, facilitates, or provides a means through which an Owner may offer Residential Premises as Transient Rental Property and through which a Transient Guest can arrange use of a Transient Rental Property, whether the payment for the use of the Transient Rental Property is directly to the Owner or to the Hosting Platform.
- (f) "Inspection Report" means the report issued by the Department containing the results of the Life Safety Inspection.
- (g) "Life Safety Inspection" means that inspection performed by the Department prior to issuing or renewing a Transient Rental Registration Certificate.

- (h) "Owner" means an individual, corporation, firm, partnership, association, organization, or any other person or entity (jointly or in combination) who has legal title to a Residential Premises. For purpose of this Chapter, an Owner includes anyone possessing a fee simple interest, vendee interest in a land contract, an estate for life or for years, in the Residential Premises including through a trust instrument or other conveyance of real property, or otherwise entitled to have legal or equitable title to real property registered in accordance with Sections 5309.05 or 5309.42 of the Ohio Revised Code.
- (i) "Renewal Transient Rental Registration Certificate" means the Transient Rental Registration Certificate issued to a Residential Premises that was previously identified as a Transient Rental Property if the Application is approved prior to the date of expiration identified on the Transient Rental Registration Certificate.
- (j) "Residential Premises" means any building, structure, or the part of a building or structure that is used or intended to be used as a home, residence, or sleeping place by one (1) or more persons and any adjacent or attached structures, grounds, areas, and facilities for the use of occupants generally or the use of which is promised an occupant, including Transient Guests.
- (k) "Transient Guests" means persons, who in exchange for money or other financial compensation, occupy a room or rooms, Residential Premises or other property used for sleeping accommodations for less than thirty (30) consecutive days.
- (l) "Transient Rental Registration Certificate" means the certificate issued with respect to a Transient Rental Property evidencing compliance with the requirements of this Chapter.
- (m) "Transient Rental Property" means any Residential Premises, or part thereof, being utilized or otherwise made available to a Transient Guest within the City, if such Residential Premises is used by or made available to a Transient Guest for a period in excess of a combined period of thirty (30) days in any calendar year. "Transient Rental Property" does not include any Residential Premises which is the primary residence of the Owner if such Residential Premises is not occupied or made available to a Transient Guest in excess of a combined period of thirty (30) days in a calendar year.  
(Ord. 2021-7. Passed 3-23-21.)

### **1369.99 PENALTY; LEGAL ACTION.**

(a) Except as otherwise expressly provided for elsewhere under the Codified Ordinance or the Ohio Revised Code, whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a fine of not less than five hundred dollars (\$500.00) and/or a maximum imprisonment term of six (6) months or both. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations can occur during a single guest stay and may be noticed and heard in a single action.  
(Ord. 2021-29. Passed 8-10-21.)

(b) The imposition of any penalty as provided for in this chapter shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful use of property, require repair or maintenance, restrain, correct or abate a violation, prevent the occupancy of a Residential Premises, revoke a Transient s Registration Certificate, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.  
(Ord. 2021-7. Passed 3-23-21.)

## CHAPTER 1519 Fireworks

<b>1519.01</b>	<b>Definitions.</b>	<b>1519.05</b>	<b>Application.</b>
<b>1519.02</b>	<b>Public exhibition permit required; fee; bond; records.</b>	<b>1519.06</b>	<b>Safety requirements for fireworks showroom structures.</b>
<b>1519.03</b>	<b>Unlawful conduct by exhibitor.</b>	<b>1519.99</b>	<b>Penalty.</b>
<b>1519.04</b>	<b>Possession, sale or discharge prohibited; exceptions.</b>		

### CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)  
 Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)  
 Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68  
 Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

### **1519.01 DEFINITIONS.**

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Ohio Revised Code.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3G fireworks" means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.  
 (2) "1.4G fireworks" means consumer fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in section 3719.01 of the Ohio Revised Code.

- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Ohio Revised Code.
- (g) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.
- (h) "Fountain device" means a specific type of 1.4G firework that meets all of the following criteria:
  - (1) It is nonaerial and nonreport producing.
  - (2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).
  - (3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.
  - (4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.
- (i) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.
- (j) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Ohio Revised Code.
- (k) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to section 3743.26 of the Ohio Revised Code.
- (l) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Ohio Revised Code.
- (m) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Ohio Revised Code.
- (n) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Ohio Revised Code.
- (o) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Ohio Revised Code.
- (p) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Ohio Revised Code.
- (q) "Manufacturing of fireworks" means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.
- (r) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.
- (s) "Novelties and trick noisemakers" include the following items:
  - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers, and snappers;
  - (2) Snakes or glow worms;
  - (3) Smoke devices;
  - (4) Trick matches.

- (t) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (u) "Processing of fireworks" means the making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.
- (v) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry, or plant.
- (w) "Retail sale" or "sell at retail" means a sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.
- (x) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (y) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (z) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (aa) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (bb) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.
- (cc) "Wholesale sale" or "sell at wholesale" means a sale of fireworks to a purchaser who intends to resell the fireworks so purchased.
- (dd) "Licensed premises" means the real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.
- (ee) "Licensed building" means a building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.
- (ff) "Fireworks incident" means any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:
  - (1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;
  - (2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter.
- (gg) "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells.
- (hh) "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

- (ii) "Storage location" means a single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Ohio Revised Code or division (F) of section 3743.17 of the Ohio Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter.  
(ORC 3743.01)

**1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.**

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

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

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

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules. (ORC 3743.54)

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of One Hundred Twenty Five dollars (\$125.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.  
(Ord. 2017-6. Passed 3-28-17.)

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

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

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

#### **1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.**

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



(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

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

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

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

**1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED;  
EXCEPTIONS.**

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

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

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

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.  
(ORC 3743.65)

**1519.05 APPLICATION.**

This chapter does not prohibit or apply to the following:

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

**1519.06 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.**

- (a) (1) Except as described in subsection (a)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this section, a retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.

- (2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Ohio Revised Code and rules adopted by the State Fire Marshal under Ohio R.C. Chapter 119. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under Ohio R.C. 3743.51, that the exhibitor possesses a valid exhibition permit issued in accordance with Ohio R.C. 3743.54, and that the fireworks shipped are to be used at the specifically permitted exhibition.
- (b) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:
- (1) The direct sale and shipment of fireworks to a person outside of this state;
  - (2) From an approved retail sales showroom as described in this section;
  - (3) From a representative sample showroom as described in this section;
  - (4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.
  - (5) Any other method as described in rules adopted by the Fire Marshal under Ohio R.C. Chapter 119.
- (c)
- (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.
  - (2) A representative sample showroom shall consist of a structure constructed and maintained in accordance with the Nonresidential Building Code adopted under Ohio R.C. Chapter 3781 and the Fire Code adopted under Ohio R.C. 3737.82 for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises in a manner prescribed by rules adopted by the State Fire Marshal pursuant to Ohio R.C. Chapter 119.
  - (3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:
    - A. A fireworks showroom that is constructed or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the Superintendent of Industrial Compliance in the Department of Commerce.

- B.
  - 1. A fireworks showroom that first begins to operate on or after June 30, 1997, or that resumes operations at any time after a period of inactive status or licensure greater than one year, and to which the public has access for retail purposes shall not exceed 7,500 square feet in floor area.
  - 2. A fireworks showroom that, through construction of a new showroom, expansion of an existing showroom, or similar means, first exceeds 5,000 square feet, to which the public has access for retail purposes, after February 7, 2022, shall be equipped with a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".
  - 3. Notwithstanding subsection (d) of this section, the State Fire Marshal may provide a variance to the requirements of subsection (c)(3)B.2. of this section pursuant to Ohio R.C. 3743.59 for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".
- C. A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to Ohio R.C. 3791.04, shall comply with a graphic floor plan layout that is approved by the State Fire Marshal and Superintendent of Industrial Compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the State Fire Marshal and Superintendent of Industrial Compliance.
- D. A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the State Fire Marshal and Superintendent of Industrial Compliance, and that are submitted under seal as required by Ohio R.C. 3791.04.

(d) The safety requirements established in subsection (c) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code. (ORC 3743.25)

**1519.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))

## **ORDINANCE NO. 2022-9**

Introduced by Mark Claus

### **AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES; AND DECLARING AN EMERGENCY.**

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

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

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, Ohio:

**Section 1.** That the ordinances of the City of Huron, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the February 2022 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

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

#### Administrative Code

101.03 Rules of Construction. (Amended)

#### Traffic Code

303.082 Private Tow-Away Zones. (Amended)

303.083 Impounding Vehicles on Public Property. (Added)

331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle.  
(Amended)

333.03 Maximum Speed Limits. (Amended)

335.02 Permitting Operation Without Valid License; One License Permitted.  
(Amended)

335.021 Ohio Driver's License Required for In State Residents. (Amended)

335.09 Display of License Plates or Validation Stickers; Temporary License Placard.  
(Amended)

371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks.  
(Added)

### General Offenses Code

- 513.15 Sale of Dextromethorphan. (Added)
- 517.01 Gambling Definitions. (Amended)
- 517.02 Gambling. (Amended)
- 517.06 Methods of Conducting a Bingo Game; Prohibitions. (Amended)
- 517.08 Raffles. (Amended)
- 517.09 Charitable Instant Bingo Organizations. (Amended)
- 517.11 Bingo or Game of Chance Records. (Amended)
- 517.13 Bingo Exceptions. (Amended)
- 517.14 Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)
- 517.15 Skill-Based Amusement Machines. (Amended)
- 517.16 Electronic Instant Bingo; Prohibited Conduct. (Added)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.19 Hazing Prohibited. (Added)
- 545.03 Property Exceptions as Felony Offense. (Amended)
- 545.09 Passing Bad Checks. (Amended)

### Fire Prevention Code

- 1519.01 Fireworks Definitions. (Amended)
- 1519.05 Application. (Amended)
- 1519.06 Safety Requirements for Fireworks Showroom Structures. (Added)

**Section 3.** The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current Codified Ordinances. New material contained therein is published at length in the Huron Codified Ordinances as provided in Section 3.05(2) of the Charter and no further publication shall be necessary.

**Section 4.** This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Ohio R.C. 121.22.

**Section 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Huron, Ohio, and for the further reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the Codified Ordinances to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements; wherefore, this Ordinance shall be in full force and effect from and immediately following its adoption.

---

Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

Adopted: \_\_\_\_\_



**TO:** Mayor Artino and City Council  
**FROM:** Matthew Lasko  
**RE:** Ordinance No. 2022-19  
**DATE:** April 12, 2022

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### **Subject Matter/Background**

Ordinance 19-2022 is the last step in the process to vacate a portion of Kirkwood Road as requested in a Petition filed by Stephen West, Julie West and Megan West. The property vacated consists of approximately 0.1204 acres, and ownership of the real property will transfer 1/2 to each of the adjacent property owners pursuant to the Proposed Vacation of Kirkwood Road Plat attached to the ordinance as Exhibit 2. All costs related to this matter have been borne by the Petitioners, except for recording fees for the two related ordinances and the final vacation plat.

### **Financial Review**

There is no financial impact resulting from this legislation other than recording fees, which are estimated to be in an amount less than \$500.00.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion adopting Ordinance No. 2022-19 is in order.

[Ordinance No. 2022-19 Kirkwood Vacation.docx](#)

[Ordinance No. 2022-19 Exhibit 1.pdf](#)

[Ordinance No. 2022-19 Exhibit 2.pdf](#)

[Ordinance No. 2022-19 Exhibit 3.pdf](#)

## **ORDINANCE NO. 2022-19**

Introduced by Sam Artino

### **AN ORDINANCE GRANTING APPROVAL OF A PETITION TO VACATE A PORTION OF KIRKWOOD ROAD CONSISTING OF APPROXIMATELY 0.1204 ACRES IMMEDIATELY ADJACENT TO ERIE COUNTY, OHIO PERMANENT PARCEL NUMBERS: 45-00487.000, 45-00488.000, 45-00489.000, 45-00181.000 AND 45-00181.001 AND DECLARING AN EMERGENCY.**

WHEREAS, Kirkwood Road became a dedicated road in the City pursuant to a certain plat for the Grand Forest Beach Allotment dated August 24, 1922 and recorded with the Erie County Recorder's Office on September 19, 1922 as Volume 8, Pages 15 and 16 of the Plat Records of Erie County (the "Dedication Plat");

WHEREAS, Stephen West, Julie West and Megan West (hereinafter, collectively, the "Residents") have collectively executed a Petition ("Petition") in accordance with Ohio Revised Code §723.04, et. seq. requesting that the City vacate a portion of Kirkwood Road in the City;

WHEREAS, the Residents own the fee simple interests in the real estate adjacent and contiguous to Kirkwood Road, as follows:

1. Stephen A. West and Julie A. West are the joint owners of Erie County Permanent Parcel No. 45-00487.000, commonly known as Kirkwood, Huron, Ohio 44839;
2. Stephen A. West and Julie A. West are the joint owners of Erie County Permanent Parcel No. 45-00488.000, commonly known as Kirkwood, Huron, Ohio 44839;
3. Stephen A. West and Julie A. West are the joint owners of Erie County Permanent Parcel No. 45-00181.000, commonly known as 315 Laurel, Huron, Ohio 44839;
4. Stephen A. West and Julie A. West are the joint owners of Erie County Permanent Parcel No. 45-00489-000, commonly known as Kirkwood, Huron, Ohio 44839; and
5. Megan C. West is the owner of Erie County Permanent Parcel No. 45-00181.001, commonly known as 319 Laurel, Huron, Ohio 44839.

WHEREAS, on June 22, 2021, the Council of the City of Huron ("Council") considered the Petition and by affirmative vote, referred the Petition to the Planning Commission for review and recommendation and scheduled the Public Hearing on the Petition for July 27, 2021 at 6:30pm; and

WHEREAS, the Planning Commission considered the Petition at its regularly scheduled meeting on June 23, 2021, and recommended to City Council that the vacation of Kirkwood Road be approved as submitted; and

WHEREAS, on July 27, 2021, the Council held a hearing on the Petition and received no opposition to its approval; and



WHEREAS, on August 10, 2021, the City passed Resolution 49-2021 authorizing the City Manager to enter into a Conditional Vacation Agreement with Petitioners pursuant to the Petition; and

WHEREAS, on August 11, 2021, pursuant to Resolution 49-2021, the City Manager signed the Conditional Vacation Agreement (“Agreement”) to vacate a portion of Kirkwood Road within the City and immediately adjacent to PPNs: 45-00487.000, 45-00488.000, 45-00489.000, 45-00181.000 and 45-00181.001; and

WHEREAS, on January 10, 2022, Petitioners executed the Agreement with the City agreeing that the Agreement was conditioned upon the City determining that good cause existed for granting the Petition, that granting such Petition would not be detrimental to the general public interest, and passing an Ordinance permitting the vacation as requested;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF HURON, OHIO:**

**Section 1:** That Council hereby finds that good cause exists to grant the Petition, as requested by Petitioners and set forth on Exhibit 1, as there is no viable continuing municipal purpose to be furthered by continuing ownership of the to-be-vacated portion of real estate as depicted and set forth on the Kirkwood Road Vacation Plat attached hereto as Exhibit 2, which plat attaches legal descriptions for each of the five parcels identified as Parcels A, B, C, D and E.

**Section 2:** That Council further finds that granting the Petition and authorizing the vacation of the approximately 0.1204 acres as shown as Parcels, A, B, C, D and E on the Proposed Vacation of Kirkwood Road Plat and in accordance with the Conditional Vacation Agreement attached as Exhibit 3 would not be detrimental to the general public interest.

**Section 3:** That Council further finds that granting the Petition would further a legitimate public interest.

**Section 4:** That Council does, hereby, formally grant the Petition to vacate a portion of Kirkwood Road consisting of approximately 0.1204 acres immediately adjacent to PPNs: 45-00487.000, 45-00488.000, 45-00489.000, 45-00181.000 and 45-00181.001 in accordance with the Conditional Vacation Agreement attached hereto as Exhibit 3, and hereby approves the Proposed Vacation of Kirkwood Road Plat attached as Exhibit 2.

**Section 5:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 6:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that, in order to effectively address and manage further proposed development within the municipality, it is imperative this Ordinance be effective immediately; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption in accordance with the provisions of this Ordinance

---

Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

# ALLEY/STREET VACATION PETITION

DATE 6/20/201

HONORABLE MAYOR AND COUNCIL, CITY OF HURON, OHIO:

We, the undersigned, being owners of property abutting the requested

Kirkwood Rd vacation shown on the attached plat, respectfully petition  
(street/alley)  
your Honorable Body to vacate the Kirkwood Rd described as:  
street/alley

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Being further described as abutting the following described LOTS (PINs) in  
the SUBDIVISION of:

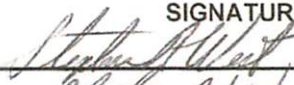
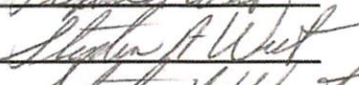
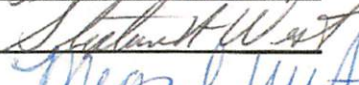
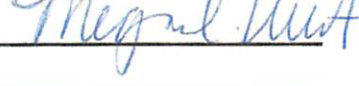
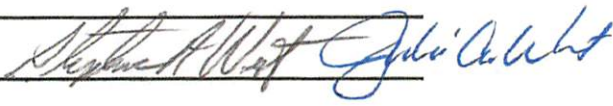
Ex. Lots XX in Grand Forest Beach Allotment

Lots included in relation to the partial vacation of Kirkwood Road in the Grand Forest Beach  
Allotment – Parcels include 45-00487.000, 45-00488.000, 45-00489.000, 45-00181.000,  
45-00181.001

Certification: By signing this petition, I (we), have confirmed that it is true and correct. I (we)  
understand that there is no guarantee of vacation. The vacation petition will be processed in  
accordance with Ohio Revised Code Section 723.04.

Section 723.04 | Change of name, vacating, or narrowing streets on petition

*The legislative authority of a municipal corporation, on petition by a person owning a lot in the  
municipal corporation praying that a street or alley in the immediate vicinity of such lot be  
vacated or narrowed, or the name thereof changed, upon hearing, and upon being satisfied  
that there is good cause for such change of name, vacation, or narrowing, that it will not be  
detrimental to the general interest, and that it should be made, may, by ordinance, declare  
such street or alley vacated, narrowed, or the name thereof changed. The legislative authority  
may include in one ordinance the change of name, vacation, or narrowing of more than one  
street, avenue, or alley. The original ordinance or a certified copy thereof shall be recorded in  
the official records of the county recorder.*

OWNER(S)	PROPERTY ADDRESS/PIN	SIGNATURE(S)
WEST, STEPHEN A	45-00487.000	
	45-00488.000	
	45-00489.000	
WEST, MEGAN C	45-00181.001	
WEST, STEPHAN A & JULIE A	45-00181.000	

Name of Contact Person Stephen West

Mailing Address 315 Laurel Rd

Phone No. (Home) 419-602-0915 (Business)

6/20/2021

(date)

Stephen West

(Signature of Contact Person)

-----  
OFFICE USE ONLY

### **TIMELINE**

Official vacation petition submitted by June 4th for consideration; to be placed on next council agenda

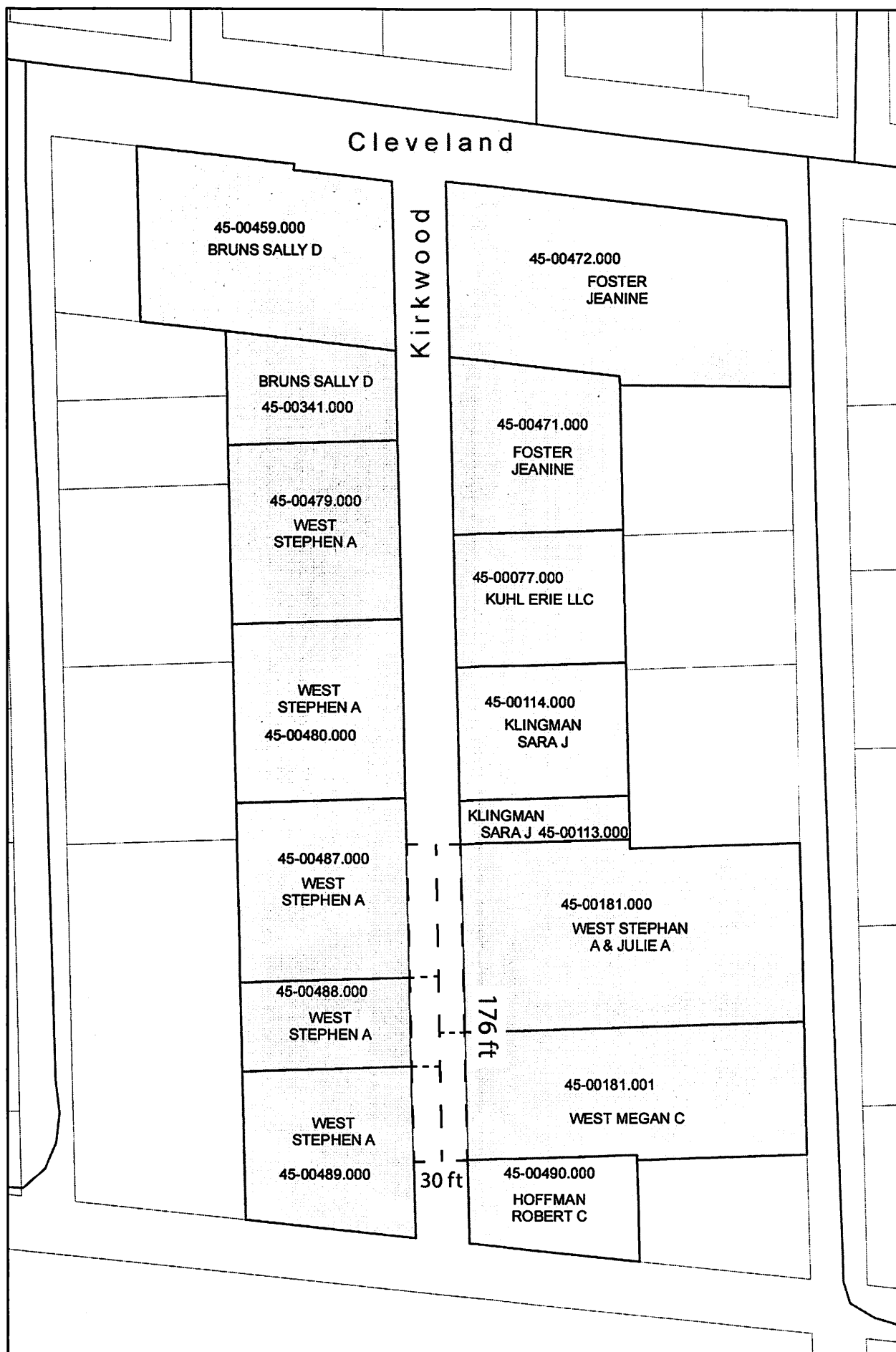
July 13th Council public hearing date (30 days from initial meeting) – hold public hearing and introduce ordinance; ordinance would not be emergency; could waive three reading rule and become effective in 30 days

August 12<sup>th</sup> – Ordinance takes effect

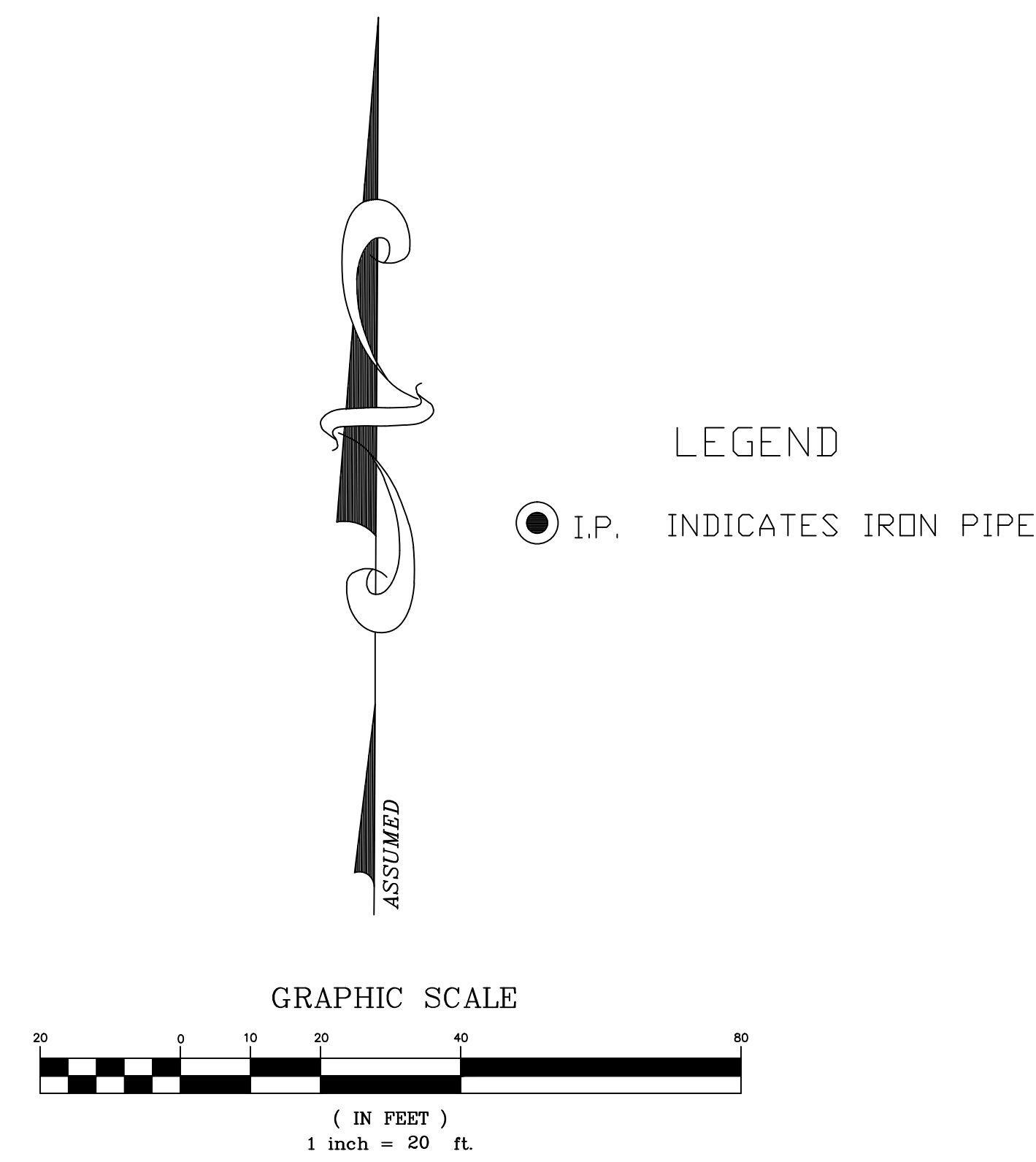
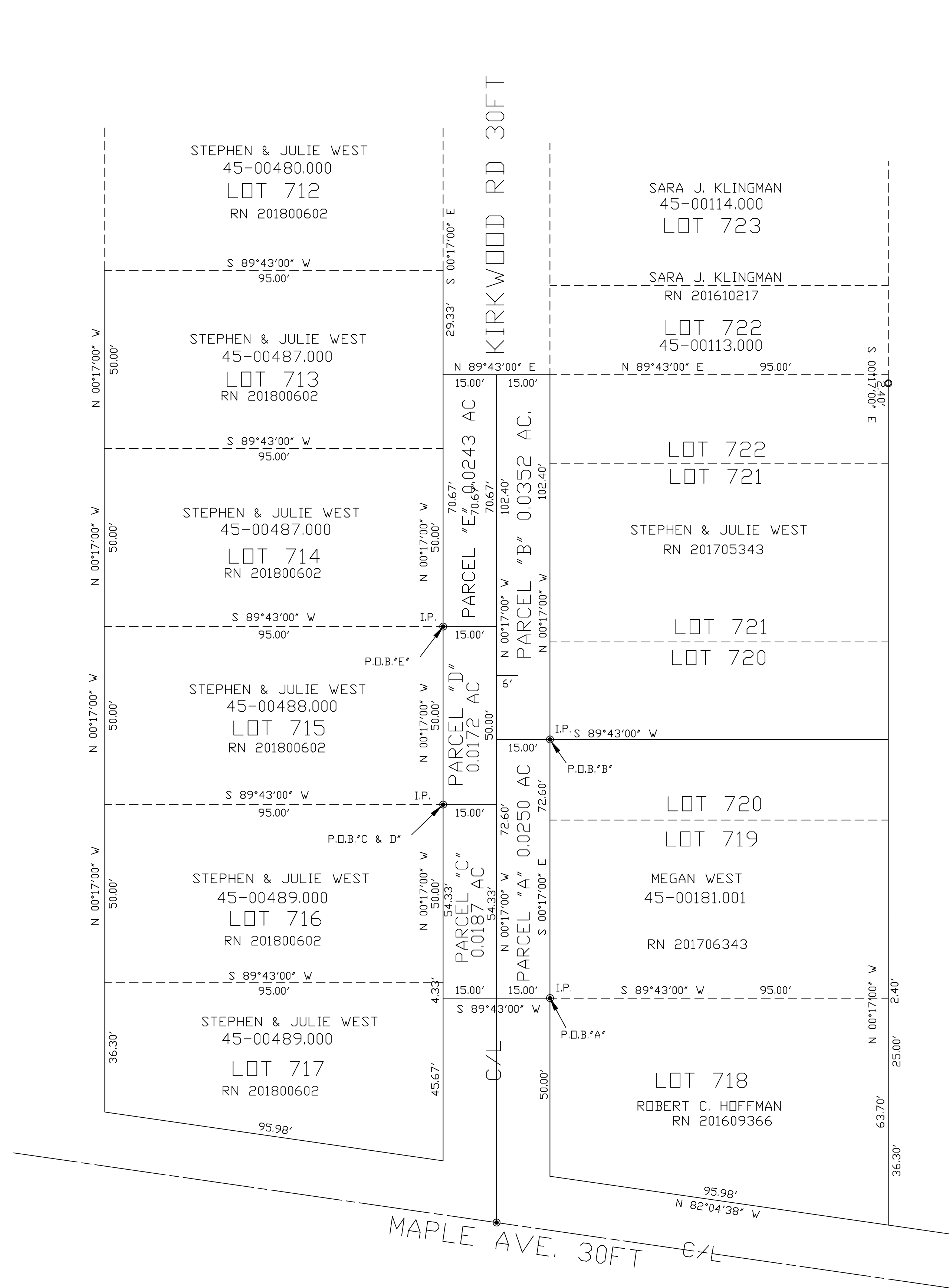
#### **Materials Needed:**

Petition (this application)

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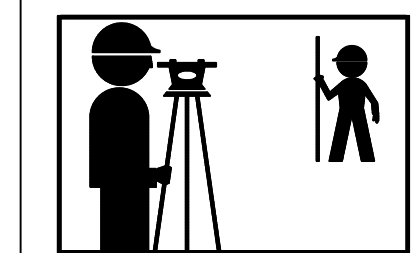
Kirkwood Abutting Property Owners



PROPOSED VACATION  
OF  
KIRKWOOD ROAD  
GRAND FOREST BEACH ALLOT, PV 8 PG 15  
CITY OF HURON ERIE COUNTY, OHIO  
JANUARY 2022 SCALE 1"=20'

I HEREBY CERTIFY THE WITHIN  
MAP WAS PREPARED BY ME TAKEN  
FROM EXISTING DEED AND PLAT  
RECORDS AND DOES NOT INDICATE  
AN ACTUAL SURVEY MADE BY ME.

DANIEL E. HARTUNG, JR., PE, PS



HARTUNG & ASSOCIATES  
ENGINEERS & SURVEYORS

P.O. BOX 426, 346 NORTH MAIN ST., HURON, OH 44839-0426  
(419) 433-4321 FAX (419) 433-7879

DANIEL E. HARTUNG JR., PE, PS

## **CONDITIONAL VACATION AGREEMENT**

*(Kirkwood Road, Huron, Ohio)*

THIS CONDITIONAL VACATION AGREEMENT (this "Agreement"), made and entered into, by and among **The City of Huron, Ohio**, an Ohio municipal corporation (herein called "City"), and **Stephen A. West, Julie A. West and Megan C. West** (which with their respective heirs, legal and estate representatives are herein collectively referred to as "Residents"), is to EVIDENCE THAT:

### **RECITALS:**

WHEREAS Kirkwood Road became a dedicated road in the City pursuant to a certain plat for the Grand Forest Beach Allotment dated August 24, 1922 and recorded with the Erie County Recorder's Office on September 19, 1922 as Volume 8, Pages 15 and 16 of the Plat Records of Erie County (the "Dedication Plat");

WHEREAS the Residents have collectively executed a Petition ("Petition") in accordance with Ohio Revised Code §723.04, et. seq. requesting that the City vacate a portion of Kirkwood Road in the City;

WHEREAS the Residents own the fee simple interest in the real estate adjacent and contiguous to Kirkwood Road as follows:

1. Stephen A. West and Julie A. West are the joint owners of Erie County Permanent Parcel No. 45-00487.000, commonly known as Kirkwood, Huron, Ohio 44839, the legal description for which is attached hereto as Exhibit A-1;
2. Stephen A. West and Julie A. West are the joint owners of Erie County Permanent Parcel No. 45-00488.000, commonly known as Kirkwood, Huron, Ohio 44839, the legal description for which is attached hereto as Exhibit A-1;
3. Stephen A. West and Julie A. West are the joint owners of Erie County Permanent Parcel No. 45-00181.000, commonly known as 315 Laurel, Huron, Ohio 44839, the legal description for which is attached hereto as Exhibit A-1;
4. Stephen A. West and Julie A. West are the joint owners of Erie County Permanent Parcel No. 45-00489-000, commonly known as Kirkwood, Huron, Ohio 44839, the legal description for which is attached hereto as Exhibit A-1; and
5. Megan C. West is the owner of Erie County Permanent Parcel No. 45-00181.001, commonly known as 319 Laurel, Huron, Ohio 44839, the legal description for which is attached hereto as Exhibit A-1.

WHEREAS, the parties desire to enter into this Agreement, which conditions any proposed vacation on the approval of the City in accordance with the Ohio Revised Code as set forth Section 7 hereof.

NOW, THEREFORE, in consideration of the foregoing, the covenants and agreements of the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree as follows:



1. Incorporation of Recitals/Defined Terms. The RECITALS set forth above are expressly incorporated into, and made a part of, this Agreement as if fully rewritten herein.

2. Proposed Vacation. The schematic attached hereto Exhibit B-1 (attached hereto and incorporated herein by reference) shows the **current ownership** of the Resident's lands in relationship to Kirkwood Road. The schematic attached hereto Exhibit B-2 (attached hereto and incorporated herein by reference) shows the **proposed ownership of the Residents lands in relationship to the proposed vacation of Kirkwood Road**. The schematic attached hereto Exhibit B-3 (attached hereto and incorporated herein by reference) shows the **proposed ownership of the Residents lands in relationship to the proposed vacation of Kirkwood Road post-split and consolidation** as may be approved by the City and Erie County.

3. Material Terms. Subject to the terms and conditions of Section 7 of this Agreement, the parties hereto agree as follows:

- (a) The Residents acknowledge and agree that, pursuant to §1121.05(f) of the Codified Ordinances of the City ("Ordinances"), that the current zoning district adjoining the side of such public way shall be extended automatically, depending on the side or side to which such lands revert, to include the right of way that vacated, and such lands shall be subject to our regulations of the extended district or districts.
- (b) The Residents acknowledge and agree that to the extent the relocation of any conduits, cables, wires, towers, poles, sewer lines, steam lines, pipelines, gas and water lines, tracks, or other equipment or appliances of any railroad or public utility, whether owned privately or by any governmental authority, located on, over, or under the portion of lands affected by such vacation, is not required for purposes of the City, any affected public utility shall be deemed to have a permanent easement in such vacated portion or excess portion of such street, alley, or highway for the purpose of maintaining, operating, renewing, reconstructing, and removing said utility facilities and for purposes of access to said facilities.
- (c) The Residents acknowledge and agree that, in general, when a city vacates a street or public alley, the land which the street or alley was on passes in equal halves to the adjacent lot owners, subject to such rights as other owners may have as a means of access to their properties. The parties hereto expressly stipulate to the vacated lands passing in equal halves to the adjacent lot owners. Therefore, subject to the provisions of Section 7 hereof, upon vacation of the relevant lands by the City, abutting lot owners, as to that portion of the alley abutting their properties, shall be vested with a fee simple interest in ½ of the width of the strip of land which formerly comprise the dedicated road subject, however, to those rights that other owners may have in the alley as a necessary means of access to their properties (if any).
- (d) The Residents acknowledge and agree that this Agreement shall serve as each particular Resident's written consent to such proposed vacation pursuant to Ohio Revised Code §723.06 (such that published notice of same shall not be required pursuant to Ohio Revised Code §723.07).
- (e) To the extent the City elects to approve the proposed vacation (subject to the provisions of Section 7 hereof), the vacation of Kirkwood Road, which has been dedicated to public use, shall, to the extent to which it is vacated, operate as a revocation of the acceptance thereof by the City, but the right of way and easement therein of any lot owner shall not be impaired by such City action.

- (f) The costs associated with all engineering and surveying, and preparation of all schematics, drawings, lot split and consolidation plat(s), and vacation plat shall be borne by Residents.
- (g) The costs associated with all title work, if desired by one or more of the Residents, including title searches and Commitment fees, costs of title premiums, conveyance fees (if any), and recordation costs shall be borne by the Residents. For avoidance of doubt, the City has not performed title work save and excepting obtaining the last deeds of record for each of the parcels referenced in this Agreement, and the City has not performed any title, lien, mortgage, docket or other title-related searches, any and all of which may be undertaken by the Resident's as they may choose.
- (h) The Residents acknowledge that it is each of the Residents sole and exclusive obligation and responsibility to provide written notice of the impending vacation to any lienholder(s), mortgagee(s), or other parties that have any interest in the respective Resident's properties of the impending vacation, which vacation will result in a change to the current legal description of all of the Residents lands post-vacation.
- (i) The Residents acknowledge and agree that they will be accepting the lands status post-vacation in their current **"AS IS, WHERE IS, WITH ALL FAULTS"** condition without any oral, written, express, or implied representations, warranties or guarantees by the City as to the quality or physical or environmental condition of the land(s) being vacated, and the City shall provide ample time for any one or more of the Residents to inspect the land(s) to be vacated to ensure the Resident(s) receiving a portion of the vacated lands are satisfied with same.
- (j) The Residents acknowledge and agree that no remuneration or other financial consideration is being paid by any party to the Agreement to or from any other party to same, and no additional consideration is required of any party hereto other than the mutual promises being made herein (the sufficiency of which is acknowledged by all parties hereto).

The City shall determine what public utilities, public infrastructure, and physical improvements require modification, removal, elimination, or other attention, if any, and whether one or more easements, conditions or reservations are to be reserved for by the City for public purposes. The City, at its sole cost and expense, shall bear all costs associated with infrastructure changes and preparation of one or more easements, conditions or reservations that may be required by the City.

4. Duration. This Agreement shall "run with the land" and the rights granted herein shall continue in full force and effect in perpetuity for all purposes not inconsistent with the purposes of this Agreement.

5. Cost of Modification to Improvements. The cost of any maintenance, repair and/or replacement of the physical, non-natural improvements to the lands to be vacated, and/or modification, removal, elimination, or other attention to any and all non-natural improvements thereon or to be constructed thereon, as determined by the City in the City's sole and absolute discretion, shall be at Resident's sole cost and expense.

6. Assignment. No party may assign its rights under this Agreement to any other person or party without the consent of all other parties.

7. Conditions Precedent. This Agreement, and the obligation(s) and performance of the parties relating to the proposed vacation as requested by the Residents, is expressly conditioned upon:

- (a) the Council of the City determining, after public hearing and after determining there is good cause for such vacation, and that the proposed vacation will not be detrimental to the general interest, if at all, in accordance with Ohio Revised Code §723.04. For avoidance of doubt, in the event the City determines after public hearing that there is insufficient good cause to permit the vacation, or if the City determines that the proposed vacation will be detrimental to the general interest, and thereby fails to pass an Ordinance permitting the vacation, then this Agreement shall automatically terminate and be of no further force or effect whatsoever;
- (b) the City Engineering inspecting Kirkwood Drive to determine what public utilities, public infrastructure, and physical improvements require modification, removal, elimination, or other attention, if any, and whether one or more easements, conditions or reservations are to be reserved for by the City for public purposes, and the City being amenable to infrastructure changes, if any, both substantively and the estimated and actual costs relating to same;
- (c) the City determining, by and through a title company of the City's choosing, that the vacated lands may will qualify for title insurance (if elected by one or more of the Residents) that the streets and alleys in Section D of the Dedication Plat that are stated to be "dedicated to public use forever" may be insured post-vacation; and
- (d) that, upon completion of the vacation by Ordinance and after public hearing as required by Ohio law, the original Ordinance shall be recorded in the official records of the Erie County Recorder.


8. Miscellaneous. The City, on behalf of itself and its successors and assigns, represents, covenants and warrants that the title of the lands to be vacated are held by the City in fee simple except for taxes and assessments which are a lien but not yet due and payable, zoning restrictions and easements and restrictions of record. This Agreement and the easements (if any) and rights granted hereunder are and shall be binding on and inure to the benefit of the parties hereto and their respective successors and assigns and the same shall run with the land

IN WITNESS WHEREOF, City and Residents have hereunto set their hands to this Agreement to be effective as of the date set forth below.

THE CITY OF HURON

By:   
Matthew Lasko, City Manager

Date: 8/11/2021

  
Stephen A. West

  
Julie A. West

  
Megan C. West

Date: 1/10/22

[Document Continued on Next Page]

STATE OF OHIO )  
 ) SS:  
COUNTY OF ERIE )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named City of Huron, Ohio, by and through Matthew Lasko, its City Manager, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and the free act and deed of said municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to signer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Huron, Ohio, this 11<sup>th</sup> day of August, 2021.

Terri Welkener  
Notary Public



TERRI S. WELKENER  
Notary Public, State of Ohio  
My commission expires July 30, 2024

STATE OF OHIO )  
 ) SS:  
COUNTY OF Erie )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Stephen A. West and Julie A. West, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to signer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Huron, Ohio, this 10<sup>th</sup> day of January, 2021. 2022

Terri Welkener  
Notary Public



TERRI S. WELKENER  
Notary Public, State of Ohio  
My commission expires July 30, 2024

STATE OF OHIO )  
 ) SS:  
COUNTY OF Erie )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Megan C. West, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to signer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Huron, Ohio, this 10<sup>th</sup> day of January, 2021. 2022

Terri Welkener  
Notary Public



TERRI S. WELKENER  
Notary Public, State of Ohio  
My commission expires July 30, 2024

This Instrument Prepared By:  
Todd A. Schrader, Esq.  
Seeley, Savidge, Ebert & Gourash  
26600 Detroit Road - Suite 300  
Westlake, Ohio 44145  
216-535-4517

[Document Continued on Next Page]

**EXHIBIT A-1**

**Permanent Parcel No. 45-00487.000**

Being Sub-lots 713 and 714 on Kirkwood Road in the Grand Forest Beach Allotment as shown by the recorded plat in Volume 8 of Maps, Pages 15 and 16 Erie County, Ohio Records.

**EXHIBIT A-2**

**Permanent Parcel No. 45-00488.000**

Being Sub-lot 715 on Kirkwood Road in the Grand Forest Beach Allotment as shown by the recorded plat in Volume 8 of Maps, Pages 15 and 16 Erie County, Ohio Records.

**EXHIBIT A-3**

**Permanent Parcel No. 45-00489.000**

Being Sub-lot 716 on Kirkwood Road in the Grand Forest Beach Allotment as shown by the recorded plat in Volume 8 of Maps, Pages 15 and 16 Erie County, Ohio Records.



#### **EXHIBIT A-4**

##### **Permanent Parcel No. 45-00181.000**

Being situated in the State of Ohio, County of Erie, City of Huron, Grand Forest Beach Allotment (PV 8 PG 15) Lots 721, 737 & 738 and Part Lots 720 & 722 and being more definitely described as follows:

Beginning at a point marking the Southeast corner of Lot 738 in said Grand Forest Beach Allotment;

- (1) Thence South 89°43'00" West a distance of 190.00 feet to a point on the West line of Lot 720, the same being the East right-of-way line of Kirkwood Road (30FT);
- (2) Thence North 00°17'00" West along the West line of Lots 720, 721 & 722, the same being the East right-of-way line of Kirkwood Road (30FT), a distance of 102.40 feet to a point, marking the Southwest corner of a parcel owned by Sara J. Klingman (RN 201610217);
- (3) Thence North 89°43'00" East along the South line of said Klingman parcel, a distance of 95.00 feet to a point;
- (4) Thence South 00°17' 00" East continuing along said South line, a distance of 2.40 feet to a point;
- (5) Thence North 89°43'00" East continuing along said South line, a distance of 95.00 feet to a point on the West right-of-way line of Laurel Road (30FT), marking the Northeast corner of said Lot 737;
- (6) Thence South 00°17'00" East along the East line of Lots 737 & 738, a distance of 100.00 feet to the point of beginning, containing 0.4414 acre, of which 0.0597 acre is in Lot 720 and 0.1090 acre is in Lot 721 and 0.0545 acre is in Lot 722 and 0.1090 acre is in Lot 737 and 0.1090 acre is in Lot 738, but being subject to all legal highways, easements and restrictions of record.

The above description was prepared by Daniel E. Hartung, Jr., Professional Surveyor No. 5667 in April 2017, taken from existing plat records and does not indicate an actual survey made by me. The bearings were assumed only for the purpose of indicating angles.



## **EXHIBIT A-5**

### **Permanent Parcel No. 45-00488.001**

Being situated in the State of Ohio, County of Erie, City of Huron, Grand Forest Beach Allotment (PV 8 PG 15) Lots 719, 739 and Part Lots 720 & 740 and being more fully described as follows:

Beginning at a point, marking the Northeast corner of Lot 739 in said Grand Forest Beach Allotment:

- (1) Thence South 00°17'00" East along the East line of Lots 739 & 740, the same being the West right-of way line of Lauren Road (30 FT), a distance of 75.00 feet to a point, marking the Northeast corner of a parcel owned by Robert C. Hoffman (RN 201609366);
- (2) Thence South 89°43'00" West along the north line of said Hoffman parcel, a distance of 95.00 feet to a point;
- (3) Thence North 00°17'00" West continuing along said North line, a distance of 2.40 feet to a point;
- (4) Thence South 89°43'00" West continuing along said North line, a distance of 95.00 feet to a point, marking the Southwest corner of said Lot 719;
- (5) Thence North 00°17'00" West along the West line of Lots 719 & 720, the same being the East right-of-way line of Kirkwood Road (30 FT), a distance of 72.60 feet to a point;
- (6) Thence North 89°43'00" East a distance of 190.00 feet to the point of beginning, containing 0.3219 acre, more or less, of which 0.1090 acre is in Lot 719 and 0.0492 acre is in Lot 720 and 0.1090 acre is in Lot 739 and 0.0545 acre is in Lot 740, but being subject to all legal highways, easements and restrictions of record.

The above description was prepared by Daniel E. Hartung, Jr. Professional Surveyor No. 5667 in April 2017, taken from existing plat records and does not indicate an actual survey made by me. The bearings were assumed only for the purpose of indicating angles.



**TO:** Mayor Artino and City Council  
**FROM:** Terri Welkener , Clerk of Council  
**RE:** Ordinance No. 2022-23  
**DATE:** April 12, 2022

---

### **Subject Matter/Background**

The City of Huron and State of Ohio partnered to acquire the parcel known as the former ConAgra site in 2006. In that partnership, the State and the City worked to acquire grant dollars to remediate the site, deconstruct the vacant facility, and prepare the site for future development. In addition to those efforts, the State through ODNR constructed a public boat launch on the southern half of the property.

During the negotiations, the property lines were laid out in a way so that a portion of the boat launch was located on City property to allow the City to utilize the cost of that investment as its "in-kind" match for the revitalization grant. In addition, the State had considered utilizing the slip as the location for its boat launch, but later decided against it in favor of the river. The plan was to then swap the parcels upon completion of the demolition project. Council approved the land exchange and granting a conservation easement to the State of Ohio by adopting Ordinance No. 2020-23 on September 8, 2020.

In preparation for developing the ConAgra site, the administration worked with ODNR to finalize the land swap agreement and create a new plat that accomplishes the following: (1) grants "Parcel B" to the State of Ohio; (2) grants "Parcel A" to the City of Huron ; (3) dedicates the private access drive as public right-of-way (to be named later) which will provide frontage for the City's property; (4) finalizes the lot combination, which was approved by Planning Commission, along with the new plat; and (5) creates a "Conservation Easement" along the western riverbank 50 ft. in width along the shore of the City's property for perpetual public access.

Ordinance 2022-23 will authorize consolidation of the remaining 10.5716 acres of PPN: 42-61270.001 titled in the name of the City with the 0.7210 acre portion of PPN: 42-61270.000 conveyed by the State of Ohio to the City, resulting in issuance of a new parcel number for the consolidated parcel.

### **Financial Review**

The matter has been reviewed and there are no costs associated with the consolidation of the two properties, other than customary recording fees and title expenses, which are expected to be nominal.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Ordinance No. 2022-23 is in order.

[Ordinance No. 2022-23 Lot Consolidation.docx](#)

[Ordinance No. 2022-23 Exhibit A1.pdf](#)



**ORDINANCE NO. 2022-23**

Introduced by Joe Dike

**AN ORDINANCE APPROVING A LOT CONSOLIDATION OF A 0.7210 ACRE PORTION OF PPN 42-6127.000 AND A 10.5716 ACRE PORTION OF PPN 42-6127.001 LOCATED IN THE CITY OF HURON, ERIE COUNTY, OHIO, INTO ONE PARCEL, AS REQUESTED BY PROPERTY OWNER THE CITY OF HURON, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Huron owns a 0.7210 acre portion of Erie County, Ohio Permanent Parcel Number 42-6127.000 and a 10.5716 acre portion of Erie County, Ohio Permanent Parcel Number 42-6127.001 located on Cleveland Road (US Route 6), and commonly known as the ConAgra property;

WHEREAS, the City desires to consolidate these parcels into one parcel; and

WHEREAS, Council desires to approve this lot consolidation.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**Section 1:** That Council hereby approves the lot consolidation of a 0.7210 acre portion of PPN 42-6127.000 and a 10.5716 acre portion of PPN 42-6127.001 into one parcel, as further described in Exhibit A attached hereto and incorporated herein as if fully rewritten.

**Section 2:** That the Law Department shall take all steps necessary to record the property consolidation plat with the Erie County, Ohio Recorder.

**Section 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that, in order to effectively address and manage further proposed development within the municipality, it is imperative this Ordinance be effective immediately; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption in accordance with the provisions of this Ordinance

---

Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

**GENERAL WARRANTY DEED**

*(Combination Deed to Create New Parcel containing 11.2926 acres)*

**The City of Huron** ("Grantor"), of Erie County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to **The City of Huron** ("Grantee"), whose tax-mailing address is 417 Main Street, Huron, Ohio 44839, the following real property, located in the County of Erie and State of Ohio, and more particularly described as follows, to-wit:

The legal description is attached hereto as Exhibit A and incorporated herein by reference.

Grantor covenants with Grantee, its successors and assigns, that the granted premises are free from all encumbrances made by the Grantor, except taxes and assessments, zoning restrictions, and easements, restrictions, mineral leases, conditions, covenants, declarations, reservations, and leases of record and that it does warrant and will defend the same to the Grantee and its successors and assigns, forever, against the lawful claims and demands of all persons.

**The aforementioned real estate includes the form Erie County Permanent Parcel No. 42-61270.001. The purpose of the conveyance is to combine the two separate parcels into one parcel of record as described in Exhibit A hereto.**

Prior Instrument Reference: Erie County Instruction Nos. 2007-1773 and 2022-\_\_\_\_\_

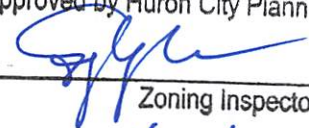
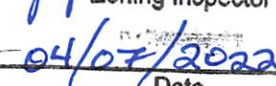
Executed this 6<sup>th</sup> day of April, 2022.

Grantor:

**THE CITY OF HURON**

By:   
Matthew Lasko, City Manager

Approved by Huron City Planning Commission

  
\_\_\_\_\_  
Zoning Inspector  
  
\_\_\_\_\_  
Date

ACKNOWLEDGEMENT

STATE OF OHIO                    )  
  )  
COUNTY OF ERIE                )       SS:

The foregoing instrument was acknowledged before me on this 6<sup>th</sup> day of April, 2022 by the City of Huron, by Matthew Lasko, its City Manager, for and on behalf of the City of Huron. **The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer.**

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_



\_\_\_\_\_  
TERRI S. WELKENER  
Notary Public, State of Ohio  
My commission expires July 30, 2024

This instrument was prepared by:  
Todd A. Schrader, Esq.  
Seeley, Savidge, Ebert & Gourash Co, LPA  
2660 Detroit Rd., Suite 300  
Westlake, OH 44145

*Title to the real estate described herein has not been examined by Seeley, Savidge, Ebert & Gourash, and Seeley, Savidge, Ebert & Gourash makes no warranty, representation or opinion (either express or implied) as to the marketability or condition of the title to the subject real estate, the quantity of lands included therein, the location of the boundaries thereof, the existence of liens, unpaid taxes or encumbrances, or the conformity of this deed to agreements involving the Grantor, the Grantee, or any agreements by and between Grantor and Grantee.*

## EXHIBIT A



POLARIS ENGINEERING & SURVEYING - 34600 CHARDON ROAD SUITE D - WILLOUGHBY HILLS - OHIO - 44094

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MONDAY, AUGUST 17, 2020  
LEGAL DESCRIPTION OF  
11.2926 ACRE PARCEL  
(CITY OF HURON)

SITUATED IN THE CITY OF HURON, COUNTY OF ERIE, AND STATE OF OHIO, AND FURTHER KNOWN AS BEING PART OF LOT 31, SECTION 1, ORIGINAL HURON TOWNSHIP, BEING TOWNSHIP NUMBER 6 IN THE 22 RANGE OF TOWNSHIPS IN THE CONNECTICUT WESTERN RESERVE;

BEGINNING AT A RAILROAD SPIKE FOUND IN THE CENTERLINE INTERSECTION OF RIVER ROAD AND CLEVELAND ROAD EAST (WIDTH VARIES);

THENCE NORTH  $15^{\circ}39'53''$  EAST, 88.84 FEET TO A  $\frac{3}{4}$  INCH IRON PIPE FOUND IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CLEVELAND ROAD EAST, ALSO BEING THE SOUTHWEST CORNER OF LAND DESCRIBED TO THE NORFOLK & SOUTHERN RAILWAY COMPANY, BY DEED RECORDED IN VOLUME 547, PAGE 371 OF ERIE COUNTY RECORDS, PERMANENT PARCEL NUMBER 42-90077.000;

THENCE NORTH  $14^{\circ}36'12''$  EAST, ALONG A WESTERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, PASSING THROUGH A  $\frac{5}{8}$  INCH IRON PIN FOUND AT 44.71 FEET, A TOTAL DISTANCE OF 306.85 FEET TO A  $\frac{1}{2}$  INCH IRON PIN FOUND (I.D. CAP "HARTUNG") AT AN ANGLE POINT THEREIN;

THENCE NORTH  $55^{\circ}17'48''$  WEST, ALONG A WESTERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 212.41 FEET TO A  $\frac{5}{8}$  INCH IRON PIN FOUND (I.D. CAP "PDG") AT AN ANGLE POINT THEREIN;

THENCE NORTH  $21^{\circ}16'18''$  WEST, ALONG SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 10.41 FEET TO AN IRON PIN SET AT THE PRINCIPAL PLACE OF BEGINNING:

COURSE 1 THENCE NORTH  $55^{\circ}18'18''$  WEST, 22.03 FEET TO AN IRON PIN SET AT THE POINT OF CURVATURE;

COURSE 2 THENCE 185.05 FEET, ALONG AN ARC OF A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF  $24^{\circ}39'24''$  AND A 183.62 FEET CHORD THAT BEARS NORTH  $67^{\circ}38'00''$  WEST TO A PIN SET AT THE POINT OF TANGENCY;

COURSE 3 THENCE SOUTH  $25^{\circ}36'40''$  WEST, 5.72 FEET TO AN IRON PIN SET:

COURSE 4 THENCE SOUTH  $86^{\circ}28'53''$  WEST, 241.81 FEET TO AN IRON PIN SET:

COURSE 5 THENCE NORTH  $80^{\circ}29'48''$  WEST, 69.39 FEET TO AN IRON PIN SET AT AN POINT OF CURVATURE:

COURSE 6 THENCE 143.45 FEET, BEING AN ARC OF A CURVE DEFLECTING TO THE RIGHT, HAVING AN RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 35°44'10" AND AN 141.14 FEET CHORD THAT BEARS NORTH 62° 37'43" WEST TO A POINT OF TANGENCY;

COURSE 7 THENCE NORTH 44°45'38" WEST, 50.59 FEET TO AN IRON PIN SET;

COURSE 8 THENCE SOUTH 85°22'44" WEST, 57.66 FEET TO THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER;

COURSE 9 THENCE NORTH 4°39'08" WEST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 30.74 FEET TO A POINT;

COURSE 10 THENCE NORTH 11°19'32" EAST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 93.00 FEET TO A POINT;

COURSE 11 THENCE NORTH 0°34'49" EAST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 216.00 FEET TO A POINT;

COURSE 12 THENCE NORTH 4°14'40" EAST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 239.00 FEET TO A POINT;

COURSE 13 THENCE 25°28'22" WEST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 31.00 FEET TO THE SOUTHERLY EDGE OF AN EXISTING SHEET PILE;

COURSE 14 THENCE NORTH 72°20'12" EAST, ALONG THE SOUTHERLY EDGE OF AN EXISTING SHEET PILE, 487.00 FEET TO A POINT;

COURSE 15 THENCE SOUTH 21°16'18" EAST, ALONG THE WESTERLY EDGE OF AN EXISTING SHEET PILE, 671.50 FEET TO A POINT;

COURSE 16 THENCE SOUTH 21°16'18" EAST, ALONG THE WESTERLY EDGE OF AN EXISTING SHEET PILE, 160.57 FEET TO A TO ½ INCH IRON PIN FOUND (I.D. HARTUNG);

COURSE 17 THENCE NORTH 68°43'42" EAST, ALONG THE NORTHERLY EDGE OF AN EXISTING SHEET PILE, 66.00 FEET TO A TO ½ INCH IRON PIN FOUND (I.D. HARTUNG);

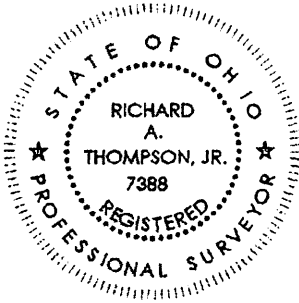
COURSE 18 THENCE SOUTH 21°16'18" EAST, ALONG A WESTERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 45.00 FEET TO A TO ½ INCH IRON PIN FOUND (I.D. HARTUNG);

COURSE 19 THENCE SOUTH 68°43'42" WEST, ALONG A NORTHERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 150.00 FEET TO AN IRON PIN SET;

COURSE 20 THENCE SOUTH 21°16'18" EAST, ALONG A WESTERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY 79.59 FEET TO THE PRINCIPAL PLACE OF BEGINNING, SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD AND CONTAINING 11.2926 ACRES OF LAND AS CALCULATED AS DESCRIBED BASED ON A FIELD SURVEY PERFORMED IN AUGUST, 2020 BY RICHARD A. THOMPSON JR., OHIO REGISTERED PROFESSIONAL LAND SURVEYOR #7388 OF POLARIS ENGINEERING AND SURVEYING. BEARINGS REFER TO THE OHIO STATE COORDINATE SYSTEM OF 1983



- NORTH ZONE - 1986 ADJUSTMENT. ALL IRON PINS SET ARE 5/8 INCH DIAMETER BY 30-INCH-LONG REBAR WITH IDENTIFICATION CAPS STAMPED "POLARIS S-7388".



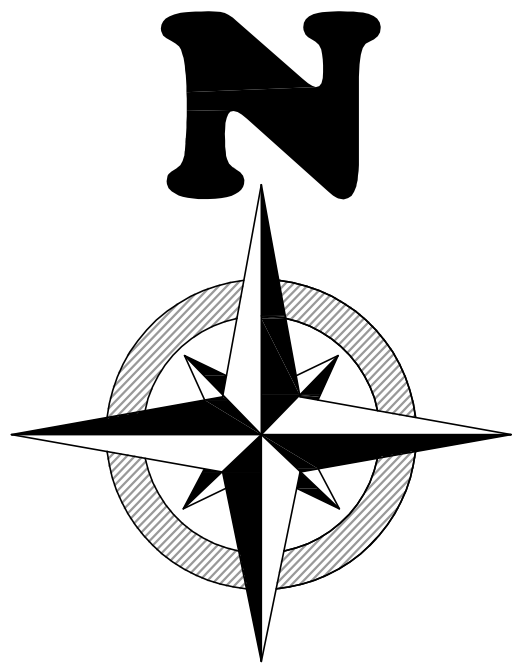
*Richard A. Thompson Jr.*

RICHARD A. THOMPSON JR., OHIO REGISTERED PROFESSIONAL LAND SURVEYOR #7388 – 08/17/20  
S:\2017 PROJECTS\17228- LIBERTY DEVELOPMENT - 10 ACRE PARCEL - HURON (CWS)\2-PROJECT SURVEYING INFO\4-LEGAL  
DESCRIPTIONS\LEGAL DESCRIPTION HURON PARCEL.DOC

Plat of Property Line Adjustment

Situated in the City of Huron, County of Erie, and State of Ohio,  
and further known as being part of Lot 31, Section 1, Original Huron Township,  
Being Township Number 6 in the 22 Range  
of Townships in the Connecticut Western Reserve  
August, 2020 Scale 1"=50'

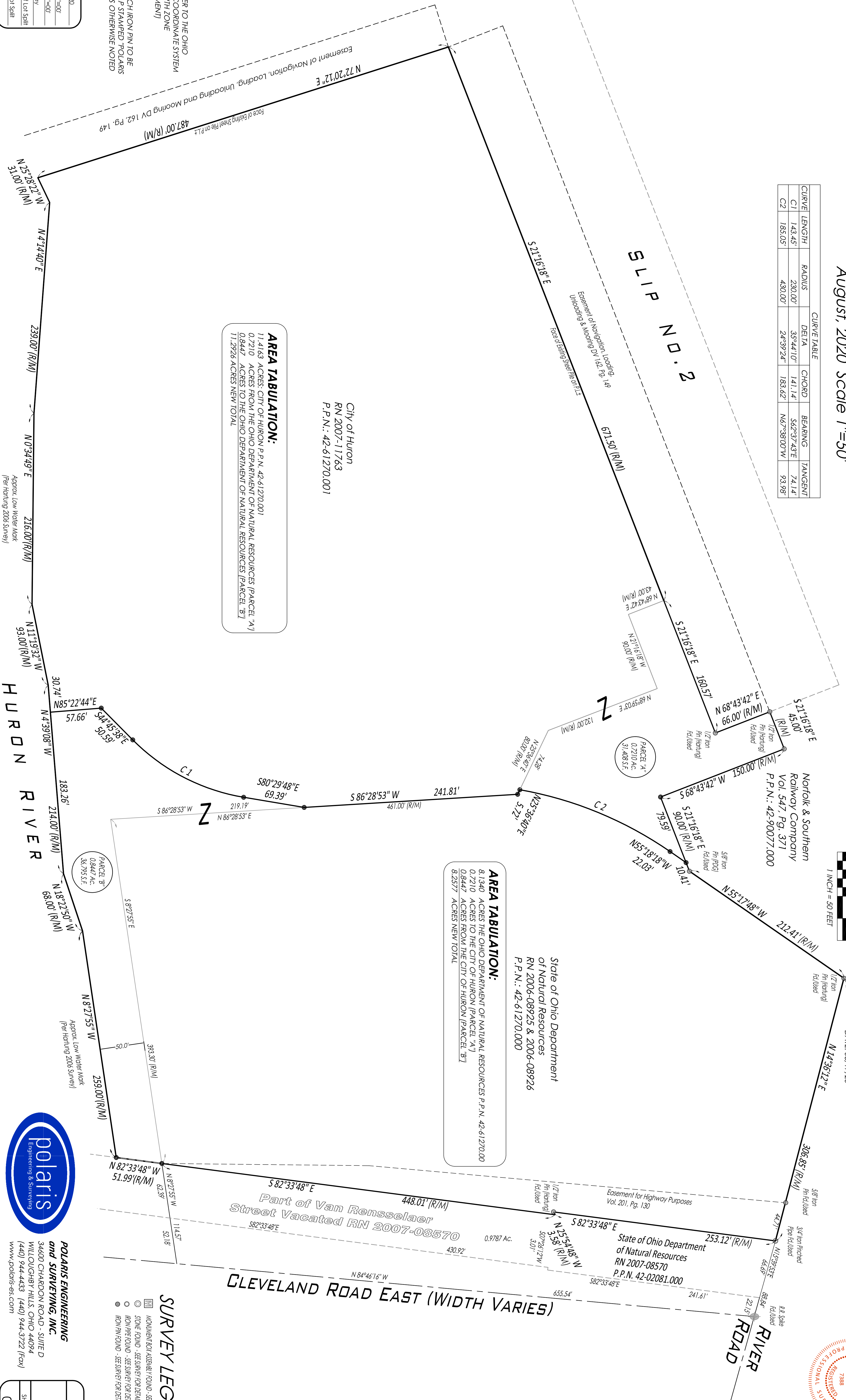
CURVE TABLE				
CURVE LENGTH	RADIUS	CHORD	BEARING	TANGENT
C1	143.45'	230.00'	35°44.10"	S62°37'43"E 74.14'
C2	183.05'	430.00'	24°39'24"	N67°38'00"W 93.89'



BOUNDARY CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PREMISES AND PREPARED THE ATTACHED PLAT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE AND THE DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF. ALL OF WHICH ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. IRON MONUMENTS OR PINS AS INDICATED WERE FOUND OR SET AS SHOWN HEREON. THE TERM CERTIFY AS USED IN THIS STATEMENT IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THE SURVEYOR WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF. AND AS SUCH, IT DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS REVEALED BY A EXAMINATION OF THE SAME. BEARINGS REFER TO THE OHIO STATE PLANE COORDINATE SYSTEM OF 1983 - NORTH ZONE - 1986 ADJUSTMENT. ALL IRON PINS SET ARE 5/8" X 30" LONG REBAR WITH A PLASTIC CAP STAMPED "POLARIS" AS SHOWN HEREON (●).

*Richard A. Thompson Jr.*  
RICHARD A. THOMPSON, JR.  
OHIO PROFESSIONAL SURVEYOR #7388  
DATE: 08/17/20



**AREA TABULATION:**

11.4163 ACRES: CITY OF HURON P.P.N. 42-61270.001  
0.7210 ACRES FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES (PARCEL "A")  
0.8447 ACRES TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (PARCEL "B")  
11.2926 ACRES NEW TOTAL

**AREA TABULATION:**

8.1340 ACRES TO THE OHIO DEPARTMENT OF NATURAL RESOURCES P.P.N. 42-61270.00  
0.7210 ACRES TO THE CITY OF HURON (PARCEL "A")  
0.8447 ACRES FROM THE CITY OF HURON (PARCEL "B")  
8.2577 ACRES NEW TOTAL

State of Ohio Department  
of Natural Resources  
RN 2006-08925 & 2006-08926  
P.P.N.: 42-61270.000

Part of Van Rensselaer  
Street Vacated RN 2007-08570

State of Ohio Department  
of Natural Resources  
RN 2007-08570  
P.P.N. 42-02081.000

SURVEY LEGEND

- MONUMENT BOX ASSEMBLY FOUND - SEE SURVEY FOR DETAILS
- STONE FOUND - SEE SURVEY FOR DETAILS
- IRON PIPE FOUND - SEE SURVEY FOR DETAILS
- IRON PIN FOUND - SEE SURVEY FOR DETAILS

DATE: 8/17/20

SCALE: HOR. 1"=60'

VERT. 1"=60'

FOLDER: Survey

FILENAME: Plat of Lot 31

TAB: 01 - Plat of Lot 31

● = 5/8 X 30 INCH IRON PIN TO BE SET W/ I.D. CAP STAMPED "POLARIS S-7087" UNLESS OTHERWISE NOTED

BEARINGS REFER TO THE OHIO STATE PLANE COORDINATE SYSTEM OF 1983 - NORTH ZONE (1986 ADJUSTMENT)

**POLARIS ENGINEERING and SURVEYING, INC.**

34600 CHARDON ROAD - SUITE D  
WILLOUGHBY HILLS, OHIO 44094  
(440) 944-4433 (440) 944-3722 (fax)  
www.polaris-es.com

CONTRACT NO. 17228

SHEET 01 OF 01



**TO:** Mayor Artino and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 25-2022  
**DATE:** April 12, 2022

---

### **Subject Matter/Background**

The administration is seeking Council support and approval to award the bid for the Huron Fish Cleaning Facility Project to Northstar Contracting at an amount not to exceed \$516,385.00. As you may recall, the Ohio Department of Natural Resources awarded grant funds to the City in the amount of \$500,000 in September of 2021 for the Project. The overall scope of the Project involves a 40' x'20' shade structure that houses two commercial grade pre-fabricated fish cleaning stations that pulverize discarded remains into a slurry that is then sent into the sanitary lines for an overall clean process. Fencing, electric, water and sewer will also be installed as part of the project. The alternate part of the bid relates to construction of "make ready" lanes at the boat launch. Following several meetings over the past several weeks, ODNR has agreed to provide an additional \$80,000 in grant funds to help finance construction of the make ready lanes as part of the Fish Cleaning Station Facility Project.

Three companies submitted bids, namely, Telamon Construction, Inc., The A Morgan Building Group and Northstar Contracting. Telamon Construction was a lowest general contract bidder at \$497,965.00; however, their alternate 1 bid was \$25,732.00, which brought their total bid to \$549,429.00. The A Morgan Building Group's combined bid was \$570,416.00. Northstar Contracting's total bid of \$516,385.00 is the lowest and best bid. A copy of OHM Advisors recommendation letter is attached to the resolution as Exhibit A.

### **Legislative History**

Resolution No. 62-2021 - Accept ODNR Grant in the Amount of \$500,000

Resolution No. 73-2021 - Proposal with OHM Advisors for Engineering Design and Construction Documents for \$36,856

### **Financial Review**

The preparation leading up to the award followed local and state procurement procedures. The lowest bid came in over the original grant of \$500,000 from ODNR. ODNR has since agreed to provide an additional \$80,000.00 in funding to assist with construction costs. The City has conservatively budgeted an additional \$50,000 to cover any overruns. The cost of inspection is \$30,000.00, which is also on the agenda for this meeting (Resolution 36-2022). The City will discuss all costs with ODNR. This project will be paid out of the City's general capital improvement fund (Fund 401).

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion adopting Resolution 25-2022 is in order.

[Resolution No. 25-2022.doc](#)

[Resolution No. 25-2022 Exhibit A.pdf](#)



**RESOLUTION NO. 25-2022**

Introduced by Matt Grieves

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND ENTER INTO AN AGREEMENT WITH NORTHSTAR CONTRACTING FOR LABOR AND MATERIALS RELATED TO THE HURON FISH CLEANING FACILITY PROJECT IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED SIXTEEN THOUSAND THREE HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS (\$516,385.00)**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1.** That the City having advertised for bids in connection with the Huron Fish Cleaning Facility Project, this Council finds Northstar Contracting to be the lowest and best bidder for such work. Therefore, the City Manager shall be, and he hereby is, authorized and directed to award the bid and enter into an agreement with the said Northstar Contracting for undertaking the work called for in the Huron Fish Cleaning Facility Project bid package, in an amount not to exceed Five Hundred Sixteen Thousand Three Hundred Eighty-Five and 00/100 Dollars (\$516,385.00), which agreement shall be substantially in the form of the Huron Fish Cleaning Facility Contract on file in the office of the Clerk of Council.

**SECTION 2.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

**SECTION 3.** That this Resolution shall be in full force and effect from and immediately after its adoption.

---

Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



March 3, 2022

City of Huron  
Matt Lasko, City Manager  
417 Main Street  
Huron, OH 44839

Huron Fish Cleaning Facility  
City of Huron

**Recommendation to Award Contract**

We hereby request that Council legislation be prepared to authorize the award of the above referenced project as follows:

**Engineer's Estimate**

- The Engineer's Official Estimate of Probable Cost for this Project is \$ 500,000.00.
- The Engineer's Official Estimate of probable Cost for Bid Alternate #1 is \$14,000.00.

**Bids Received**

- The Engineer (OHM Advisors) has reviewed all bids and hereby provides the following list of Bidders and bid prices:

Bidder	Base Bid	Alternate #1
1. Telamon Construction Inc.	\$497,965.00	\$25,732.00*
2. Northstar Contracting Inc.	\$501,865.00	\$14,500.00
3. The A. Morgan Building Group;	\$548,231.00	\$22,185.00

**Review Notes**

\*Telamon Construction Inc. bid submittal is missing page 26 "Document 004322 – Unit Price Schedule", which is a required part of the bid document package.

**Summary of Award – (Use if omission /errors with bid package)**

- The bid documents adhere to the General Provisions of Section 100 of the 2019 ODOT Construction and Materials Specification, as described on pages 7 thru 11 of the bid documents. Section 103.01 gives the City of Huron the authority to waive technicalities, thus the City of Huron may waive errors as described in the Review Notes above.
- It is the Project Manager's opinion that Telamon Construction Inc.'s informality does not adversely affect the bid results or the anticipated work performance by the contractor.



### **Recommendation Summary**

- Upon review of references, equipment, materials, suppliers, subcontractors, and all documents submitted as required by the bid documents, the Engineer hereby recommends the award of the contract to the following lowest and best bidder:
  - ✓ Award to the lowest bidder, Telamon Construction Inc., with a technicality waiver of page 26 missing from the required bid document package. Based upon Base Bid Only.  
Base Bid           \$497,965.00
  - or-
  - ✓ Award to the lowest bidder, Northstar Contracting Inc. Based upon Base Bid plus Alternate #1.  
Base Bid           \$501,885.00  
Alternate #1      \$ 14,500.00

Should you have any questions or require additional documentation, please let me know.

Sincerely,  
OHM Advisors

A handwritten signature in black ink, reading "Jeremy J. Hinte".

Jeremy Hinte, PLA, ASLA  
Project Manager



**TO:** Mayor Artino and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 36-2022  
**DATE:** April 12, 2022

---

### **Subject Matter/Background**

Resolution 36-2022 authorizes an agreement with OHM Advisors for provision of pre-construction, construction inspection services and post-construction services relating to the Huron Fish Cleaning Facility Project. in an amount not to exceed \$30,000.00. Services included in OHM's proposal include, but are not limited to:

- pre-construction meeting with contractors;
- coordination with contractor, utilities, safety forces, residents and businesses;
- personnel coordination and project schedule;
- perform drawing reviews and communicate revisions/approvals with contractor;
- project oversight;
- coordination with other agencies as needed for inspection services;
- prepare daily inspection reports;
- regular progress meetings with contractor;
- inspection and testing services;
- response to RFI's;
- review of pay requests and recommendations for payment;
- negotiation of change orders;
- prevailing wage verification;
- coordination of funding reimbursements;
- Staffing will include Construction Inspector, Construction Engineer and Construction Administrative Assistant;
- review of final construction with contractor and the City;
- preparation, distribution and approval of final punch list;
- review As Built drawings;
- maintenance bond coordination;
- lien releases, payments and final acceptance.

The total project schedule duration is approximately 9 weeks based upon the contractor's anticipated work schedule and the allowable project duration from Notice-to-Proceed to Completion Date. Additional Construction Services required due to contractor delays, change orders, project extension, etc., shall be pre-authorized with an estimated total cost to complete, and any required material testing service will be included as an "As Needed" fee (not included in \$30,000 contract price).

### **Financial Review**

The preparation leading up to the award followed local and state procurement procedures. The lowest bid came in over the original grant of \$500,000 from ODNR. ODNR has since agreed to provide an additional \$80,000.00 in funding to assist with construction costs for a total of \$580,000.00. The entire project cost, including planning, design and inspection services, is \$606,385.00.



The City has conservatively budgeted an additional \$50,000 to cover any overruns, which covers the estimated \$26,385.00 Project funds that are the responsibility of the City. Additional funds have been applied for from Shores & Islands Ohio in the approximate amount of \$14,000, which may further reduce the City's matching funds, if awarded.

This project will be paid out of the City's general capital improvement fund (Fund 401).

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion adopting Resolution No. 36-2022 is in order.

[Resolution No. 36-2022 OHM Inspection Fish Cleaning.doc](#)

[Resolution No. 36-2022 Exhibit A.pdf](#)

**RESOLUTION NO. 36-2022**

Introduced by Matt Grieves

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR ENGINEERING INSPECTION SERVICES RELATED TO THE HURON FISH CLEANING FACILITY PROJECT IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00)**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1.** That the City Manager shall be, and he hereby is, authorized and directed to accept the proposal and enter into an agreement with OHM Advisors for engineering inspection services on the Huron Fish Cleaning Facility Project in an amount not to exceed Thirty Thousand and 00/100 Dollars (\$30,000.00), which agreement shall be in substantially in the form of Exhibit "A" attached hereto and made a part hereof.

**SECTION 2.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

**SECTION 3.** That this Resolution shall be in full force and effect from and immediately after its adoption.

---

Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

March 4, 2022

City of Huron  
Attn: Matt Lasko, City Manager  
417 Main Street  
Huron, OH 44839

**RE: Fish Cleaning Facility – Construction Services**

Location: City of Huron  
Proposal # 22128

Dear Mr. Lasko:

The following scope of services, price proposal to perform construction services, and project schedule which represent our understanding of the subject project, based upon prior discussions, meetings, and/or additional project information made available at the time of this proposal. Should you have any questions, please let us know.

**Proposal Outline**

Proposal Outline.....	1
Scope of Services (Construction Tasks) .....	2
Price Proposal.....	4
Clarifications and Assumptions .....	4
Client Responsibilities .....	4
Standard Terms & Conditions .....	5

Sincerely,  
OHM Advisors

Authorization to Proceed



Thomas Tucker, PE, PS  
Manager of Akron  
Thomas.tucker@ohm-advisors.com  
D: 330.913.1063

Signature

Date



Russell Critelli, PE, PMP  
Principal/Manager of Cleveland  
Russ.critelli@ohm-advisors.com  
D: 216.865.1339

Printed Name

Title



## Scope of Services (Construction Tasks)

### **Task #175      Pre-Construction Services**

---

- The following services are included in the fee shown:
  - Pre-construction meeting
  - Coordination with Contractor, Utilities, Safety Forces, Residents, and Businesses
  - Personnel coordination and project schedule
  - Perform materials, suppliers, and shop drawing reviews and communicate revisions/approvals with contractor.
  - Review contractual items.
  - Distribution of documents/information (mtg records)

### **Task #176      Construction Services**

---

- The following services are included in the fee shown:
  - Project oversight
  - Coordination with other agencies as needed for inspection services
  - Coordination with Contractor, Utilities, Safety Forces, Residents, and Businesses
  - Prepare daily inspection reports.
  - Regular progress meetings with contractor
  - Inspection and testing services.
  - Response to RFIs (request for information) from contractor
  - Review of pay requests and recommendations for payment.
  - Negotiation of Change Orders
  - Prevailing Wage Verification
  - Coordination of Funding Reimbursements
  - Staffing will include the following:
    - Construction Inspector: On-Site part-time during hours of construction
    - Construction Engineer: Involved on an as-needed basis to facilitate field decisions and design-related issues.
    - Construction Administrative Assistant: Coordination of all documentation from pre-construction, contracts, pay requests, and close-out documents.
    - Typical Weekly Staffing during construction project is approx.:
      - Construction Inspector: 12 Hours
      - Construction Engineer: 4 Hour
      - Construction Admin: 2 Hours
  - **Total Budget Cost per week = \$ 2,780**
  - Total Cost is therefore directly related to the time duration of the construction project.



---

**Task #177      Post-Construction Services**

---

- The following services are included in the fee shown:
  - Review of final construction with contractor and Owner
  - Preparation, distribution, and approval of final punch list
  - Review of As-Built Drawings
  - Maintenance Bond Coordination
  - Lien releases, payments, and final acceptance

**Project Schedule**

Total Project Schedule duration equals **9 weeks**.

Number of weeks is based upon the contractor's anticipated work schedule and the allowable project duration from Notice-to-Proceed to Completion Date. The estimated fee for Task #176 is based upon this data.

---

**Task #178      Additional Construction Services      If Authorized**

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- This task has been included as an "If Authorized" fee in the event that one or more of the following conditions occur:
  - The Contractor's work schedule exceeds the number of weeks shown above in the Project Schedule.
  - The Contractor's work schedule includes work weeks exceeding 40 hours.
  - The Contractor's work process requires multiple work crews and therefore multiple inspectors on-site simultaneously.
  - The Contractor is granted extra time (time extension) to complete the project.
  - The Contractor is awarded a change order for additional work or changed work conditions.
- If any of the above conditions apply, the Engineer shall document and estimate the total cost to complete the additional inspection services and request authorization/approval from the Owner to cover these costs.

---

**Task #180      Material Testing Services      As Required**

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- This task has been included as an "As Needed" fee for any required material testing.



## Price Proposal

#	Construction Tasks	Fee
Task #175	Pre-Construction Services	\$ 2,500
Task #176	Construction Services	\$25,000
Task #177	Post Construction Services	\$ 2,500
	<b>Grand Totals =</b>	<b>\$ 30,000</b>
Task #178	Additional Construction Services (If Authorized)	\$ TBD
Task #180	Material Testing (As Required)	\$ 3,000

### Note:

- Fee shown represents (9) nine weeks (45 working days) of full-time Construction Services per the Contractor's anticipated work schedule. See task #176 on prior page for itemized breakdown of weekly Construction Services costs.
- Task #176 and Task #178(If Authorized) will be billed at the Standard Hourly Rates.

## Anticipated Project Schedule

Construction Tasks: March 2022 through June 2022

## Clarifications and Assumptions

- Our Proposal was prepared based on the following assumptions:
  - If additional labor effort or change in schedule is required beyond described herein, OHM Advisors will negotiate an amendment with the City of Huron OHM Advisors will not proceed with additional services without written authorization to proceed from the City of Huron.
  - Meetings shall be conducted in accordance with the Scope of Services as described herein. Additional meetings, not described within our Scope of Services, shall be considered additional services and will be billed on an hourly basis under the Additional As-Needed Services Allowance upon agreement with the City of Huron. WE anticipate that the Building, Electrical, and Sanitary Sewer infrastructure items will be inspected and approved by other agencies.

## Client Responsibilities

- The City of Huron will provide a single point of contact to OHM Advisors who is knowledgeable about the project needs and desired outcomes
- The City of Huron will provide the following, if available, to assist us with the project: (provide appropriate list as per your project/discipline. examples follow:) prior as-builts and existing plans, plat maps, site surveys indicating site boundaries, exiting topography, access to structures, easements and utility line information, utility availability, building information, etc.



## **Standard Terms & Conditions**

The Standard Terms and Conditions contained in the Annual Engineer contract (as approved by Council Legislation) shall also apply to this contract.



**TO:** Mayor Artino and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 43-2022  
**DATE:** April 12, 2022

---

### **Subject Matter/Background**

The resolution authorizes an agreement between the City and the Huron Chamber of Commerce relating to the use of Lake Front Park for the Chamber of Commerce Lake Front Market event.

The Huron Chamber of Commerce is requesting consideration for the use of a portion of Lake Front Park on Friday, June 10, 2022 from 5:00pm to 9:00pm for a private event, and the entirety of the park on Saturday, June 11, 2022 from 9am to 7pm to host their 4th annual "Lake Front Market" event. The event include retail vendors, food vendors, wine sampling, music and activities for children, just to name a few. The Chamber is requesting road closures at Wall Street/Williams Street and Center Street/Park Street for this event. A copy of the Chamber of Commerce request letter is attached hereto as Exhibit "1."

The agreement includes placement of an advertising banner in the median area, obligates vendors to abide by the City's "Festival Regulations" and includes Council's approval of the organizer obtaining liquor permit for the event. The fee paid by the Chamber for this event is \$750.00, which is calculated by multiplying the facility rental fee of \$500 x 1-1/2 days.

### **Financial Review**

The \$750 fee will be deposited as a rental fee in the Parks and Recreation Fund (207), which is used to support operating costs of the City's parks.

### **Legal Review**

The matter has been reviewed by the administration, follows normal legislative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 43-2022 is in order.

[Resolution No. 43-2022 Exhibit 1.pdf](#)

[Resolution No. 43-2022 Lake Front Market.doc](#)

[Resolution No. 43-2022 Exhibit A.docx](#)





February 19, 2022

Dear Huron City Council,

This letter serves as a request for use of Lake Front Park for the Lake Front Market on June 10, 2022 from 5:00-9:00pm for a private event limited to 300 people, and on June 11, 2022 from 9:00am – 7:00pm for the open market. The Lake Front Market will include retail vendors, food vendors, music, beer/wine garden and kid activities. We plan to have approximately 80 retail vendors, max of 10 food vendors including food trucks, dessert stations, activities on the beach, and variety of music in the gazebo throughout the day.

The road closure that we have requested (map included) is for food vendors and retail vendor overflow. As stated on the provided Food Vendor Application, vendors will not be provided electricity and must provide Erie County Health Department Food Permit prior to opening for business. Food Trucks utilizing a generator will be located on Wall Street with the back of truck on water side; this will minimize the amount of sound that comes from a generator for attendees and residents. All vendors will be required to adhere to any fire code items as stipulated by the Huron Fire Department and subject to an inspection prior to the market opening.

We plan to utilize a similar parking plan as Huron River Fest, including use of street parking, public, and having local churches to provide parking for a fee. A minimum of a month prior to the market, we will supply and promote a map letting attendees know where to park. Also, we will be working with the police department on what will need to be done as far as extra security in the Lake Front Market area on Friday night to Saturday morning.

The Huron Chamber of Commerce will apply for a "Beer & Wine" Permit from the State of Ohio Department of Liquor Control, as we have in past years. The area will be roped off and is noted on the included map.

In addition to the above stated, we are planning on having a "Young Entrepreneurs" Tent again, to allow our local youngsters to showcase their business and product for no fee. We have partnered with the Huron Public Library to provide a kid activity area near the playground. There will also be live music in the Gazebo throughout the day, with no electricity needed.

**202 Cleveland Road West**  
**Huron, Ohio 44839**  
**(419) 433-5700**  
**[Chamber@Huron.net](mailto:Chamber@Huron.net)**  
**[www.Huron.net](http://www.Huron.net)**



We are requesting road closures to include Center Street from Park Street to Williams Street (at Wall Street), and Ohio Street from Park Street to the water. Volunteers will man the three road blocks, to allow the any residents in and out. We also ask permission to begin promoting no parking with in those blocked areas as early as the night before to ensure no cars for the hours of market operation, with the assistance of the city.

We would also like permission to place the Lake Front Market sign in the eastern end of the median where it intersects with Center Street, from May 9 – June 12, 2022. The sign will meet size requirements and will not impede views for drivers approaching the intersection.

In addition to previous years, we would like to pay the city the \$500 fee this year and will work with the Police Department to pay for overnight security.

**Attachments:**

Road Closure Map

Vendor Application

Food Vendor Application

We feel our first three years, were a huge success and hope the city agrees and supports us in our 2022 endeavor.

Please let me know if you need any further information.

Sincerely,

*Amy L. Roldan*

Executive Director

202 Cleveland Road West  
Huron, Ohio 44839  
(419) 433-5700  
[Chamber@Huron.net](mailto:Chamber@Huron.net)  
[www.Huron.net](http://www.Huron.net)





# HURON LAKE FRONT MARKET

Presented by the Huron Chamber of Commerce

**Friday, June 10, 2022**

**Sunset Sip & Shop**

6:30 – 8:30pm

**Saturday, June 11, 2022**

**Market Day**

9:00am – 5:00pm



**Lake Front Park**

**310 Park Street**

**Huron, OH 44839**

Lake Front Market is an open-air marketplace featuring Ohio-based vendors at one of Huron's most scenic beaches. The event will feature food trucks, live music, kids' activities, and numerous vendors of authentic goods. To create a unique shopping experience, our committee will approve vendors based on variety, originality, and quality of goods sold.

**Sunset Sip & Shop:** Limited to 300 reservations. Private preview event including small-plates, entertainment, beachfront bar, giveaways and shopping.

**Please submit application by March 30, 2022:**

**[LakeFrontMarket@Huron.net](mailto:LakeFrontMarket@Huron.net) or Huron Chamber, 202 Cleveland W, Huron, Ohio 44839**

**All applicants will be notified no later than April 30, 2022 and accepted vendors will be invoiced at that time.**

## VENDOR APPLICATION

(\$125 Fee for 10' x 12' Space)

**Business Name:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_ **Website:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City, State, Zip:** \_\_\_\_\_

**List all social media links:** \_\_\_\_\_

**Please describe the items you will be selling:** \_\_\_\_\_

**Please mark the box of the category that best describes your product:**

☐ Vintage/Antique/Repurposed

☐ Home Décor

☐ Accessories/Jewelry

☐ Farm Stand/Produce

☐ Artsy/Handmade

☐ Apparel

☐ Kids/Baby

☐ Candles

☐ Pets

**How many 10' x 12' space(s) are you requesting?** \_\_\_\_\_

**Understand and agree to participate in the Sunset Sip & Shop on Friday: (please initial)** \_\_\_\_\_

**Please direct all questions to Huron Chamber of Commerce at [LakeFrontMarket@Huron.net](mailto:LakeFrontMarket@Huron.net) or (419) 433-5700.**



# HURON LAKE FRONT MARKET

Presented by the Huron Chamber of Commerce

**Saturday, June 11, 2022**  
10am – 6pm



**Lake Front Park**  
310 Park Street  
Huron, OH 44839

*Lake Front Market is an open-air marketplace featuring Ohio-based vendors at one of Huron's most scenic beaches. The event will feature food trucks, live music, kids' activities, and numerous vendors of authentic goods. To create a unique shopping experience, our committee will approve vendors based on variety, originality, and quality of goods sold.*

**FOOD VENDORS:** Every effort is made to create a unique food experience and limiting any duplication of food/beverage type. No power will be supplied, so vendors must provide their own generator if necessary. Vendors must also provide Health Department Permit and abide by all required Fire Department Regulations.

## FOOD VENDOR APPLICATION

Cost is \$125 per space

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Website: \_\_\_\_\_

Facebook Link: \_\_\_\_\_

Please give a general idea of Menu Items: \_\_\_\_\_

Amount of space required: \_\_\_\_\_

Spaces are limited and given on a first-come basis.

*Please submit applications and direct all questions to Huron Chamber of Commerce at [LakeFrontMarket@Huron.net](mailto:LakeFrontMarket@Huron.net) or 202 Cleveland Rd W., Huron, Ohio 44839 or (419)433-5700.*

**RESOLUTION NO. 43-2022**

Introduced by William Biddlecombe

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF HURON, OHIO, WITH THE HURON CHAMBER OF COMMERCE RELATIVE TO THEIR LAKE FRONT MARKET EVENT TO BE HELD AT LAKE FRONT PARK ON FRIDAY, JUNE 10, 2022 AND SATURDAY, JUNE 11, 2022.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1:** The City Manager is authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with the Huron Chamber of Commerce to utilize Lake Front Park for their Lake Front Market event to be held on Friday, June 10, 2022 and Saturday, June 11, 2022, said agreement to be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

**SECTION 2:** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

**SECTION 3:** This Resolution shall be in full force and effect from and immediately following its adoption.

---

Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

## **LICENSE AGREEMENT**

**THIS LICENSE AGREEMENT** made and entered into by and between **THE CITY OF HURON, OHIO**, an Ohio Municipal Corporation, hereinafter referred to as “City” and **THE HURON CHAMBER OF COMMERCE**, a non-profit entity, hereinafter referred to as “Licensee.”

**WHEREAS**, Licensee has submitted a request for an event known as the Lake Front Market; and,

**WHEREAS**, the City endorses events which promote the waterfront and city parks for the enjoyment of its citizens and visitors.

### **NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. The City hereby grants a revocable license to Licensee to use the City-owned property known as “Lake Front Park” for the event set forth in the schedule attached hereto and made a part hereof as Exhibit A, for the site of the Huron Lake Front Market from June 10, 2022 at 2:00pm through June 11, 2022 at 9:00pm.
2. Unless revoked prior to same, this License is valid from June 10, at 2:00pm through June 11, 2022 at 9:00pm at which time this Agreement shall automatically terminate.
3. Licensee agrees to compensate the City for the cost of this License in the amount of Seven Hundred Fifty Dollars (\$750). Said fee shall be payable in advance no later than May 31, 2022. The parties agree that the fee for this event is similar to that which is codified for use of comparable city owned properties for a duration of one and one-half days. If either party terminates this agreement prior to the event, the fee is fully refundable.
4. This License Agreement shall accommodate the request to close those portions of Wall Street and Center Street as identified in Exhibit B. Licensee shall provide written notice to all residents with direct access to a public thoroughfare within the road closure area no later than May 31, 2022, and shall also be responsible for the supervision of the closures to permit affected residents’ access. Further, Licensee shall abide by all of the City’s Festival Regulations, attached hereto as Exhibit C.
5. The City hereby grants the placement of one (1) banner for advertising signage to be erected in the median area of U. S. Route 6/Center Street commencing on May 11, 2022 and removed on June 12, 2022.
6. Licensee, its employees, volunteers, and vendors shall at all times during the pendency of this License comply with all applicable laws and regulations, including but not limited to Huron Codified Ordinances and the Ohio Revised Code, and shall secure in advance of event any necessary permits and authorizations for local or state agencies. This shall include, but not be limited to, permits and/or approval from the Ohio Division of Liquor Control, Erie County Health Department, and the Huron Fire Department.

7. The City shall have the unilateral and voluntary right and option to revoke, terminate or modify this Agreement in the event the property being leased to the Licensee becomes unavailable by reason of the construction of public improvements on said property by the City. The decision as to whether the property is unavailable shall be decided by the Huron City Administration, notice of the meeting at which such termination is to be discussed shall be given to the Licensee at least seven (7) days prior to the date of the meeting.

8. The City shall notify the Licensee as soon as it can reasonably be done, of any impending public works construction that might adversely affect the use of the property by the Licensee.

9. The City, in its sole and absolute discretion, shall further have the unilateral and voluntary right to revoke and/or terminate this Agreement, for any reason, upon ten (10) days prior written notice to Licensee. Similarly, Licensee shall have the right to terminate this Agreement, for any reason, upon ten (10) days prior written notice to Licensee. Timely notice of termination by either party shall relieve any financial obligation of Licensee to City.

10. The City approves the issuance of a liquor permit by the Ohio Division of Liquor Control for the Huron Lake Front Market event. In the event a liquor permit is issued, and subject to any and all limitations and/or conditions on the permit issuance as promulgated by the Ohio Division of Liquor Control, the City requires that the date liquor may be served and consumed is limited to the "private event" on June 11, 2021 from 5:00pm to 9:00pm, and on June 12, 2021 from 9:00am to 7:00pm, and the area that liquor may be served and consumed is limited to the area set forth in the diagram attached hereto as Exhibit D.

11. The Licensee agrees to defend, indemnify and hold the City harmless from any and all actual or threatened actions, causes of action, claims, demands, expenses, fines, fees, judgments, penalties, loss, liability, or any suits or proceedings arising or claimed to arise directly or indirectly from Licensee's acts or omissions and use of City-owned property, or the use of same by participants, workers, vendors, invitees, guests, and spectators of the event as authorized by this Agreement, and Licensee shall secure general liability insurance, at least in the amount of One Million Dollars (\$1,000,000) for bodily injury and death; Fifty Thousand Dollars (\$50,000) for property damage, which policies shall name City as an additional named insured by endorsement, and shall also provide coverage and/or a rider or endorsement to cover Licensee's serving of alcohol and spirits on City-owned (commonly known as "social host liability" coverage). Licensee shall furnish City with a certificate evidencing that all required insurance has been obtained, with proof of payment of the premium for the duration of this Agreement, on or before June 1, 2021, and a copy of the insurance certificate shall herein be attached and incorporated as Exhibit E. Such policy shall include a 30-day cancellation clause. This indemnification shall include all costs of defense, including reasonable attorneys' and expert witness fees, and shall also extend to use of the any City equipment by the Licensee, if any. The provisions of this Section 11 shall survive the termination of this Agreement regardless of reason.

12. Licensee agrees to leave the park in the condition it was found prior to each use. Licensee understands that if the park is not left in the manner it was presented, the Licensee will be charged for any damages or clean up.



13. Licensee agrees to comply with all federal, state, and local orders, instructions, policies, best practices, and similar guidance related to the COVID-19 global health pandemic. This necessarily includes all requirements pertaining to social distancing, masks, and anything else needed to ensure the public health. Licensee shall defend, indemnify and hold the City harmless from any claims, demands, suits, citations, or enforcement actions that in any way relate to COVID-19. The provisions of this Section 13 shall survive the termination of this Agreement regardless of reason.

14. The rights and authority conveyed through this License shall not be assignable or transferrable by either party. This License shall not be recognized as valid, unless otherwise specified herein, for any sublicense, sublease, subcontract, or any other legal or beneficial conveyance to another party regardless of whether said sublicense, sublease, subcontract or conveyance is in exchange for compensation.

15. This License constitutes the entire Agreement between the parties and supersedes all prior oral and written agreements or understandings entertained prior to the date hereof. This Agreement shall only be amended in writing signed by both parties.

**IN WITNESS WHEREOF**, the parties have set their hands to duplicate copies of this Agreement as of the dates set forth below.

HURON CHAMBER OF COMMERCE

CITY OF HURON, OHIO

\_\_\_\_\_  
Amy L. Roldan, Executive Director

\_\_\_\_\_  
Matthew Lasko, City Manager

Date:\_\_\_\_\_

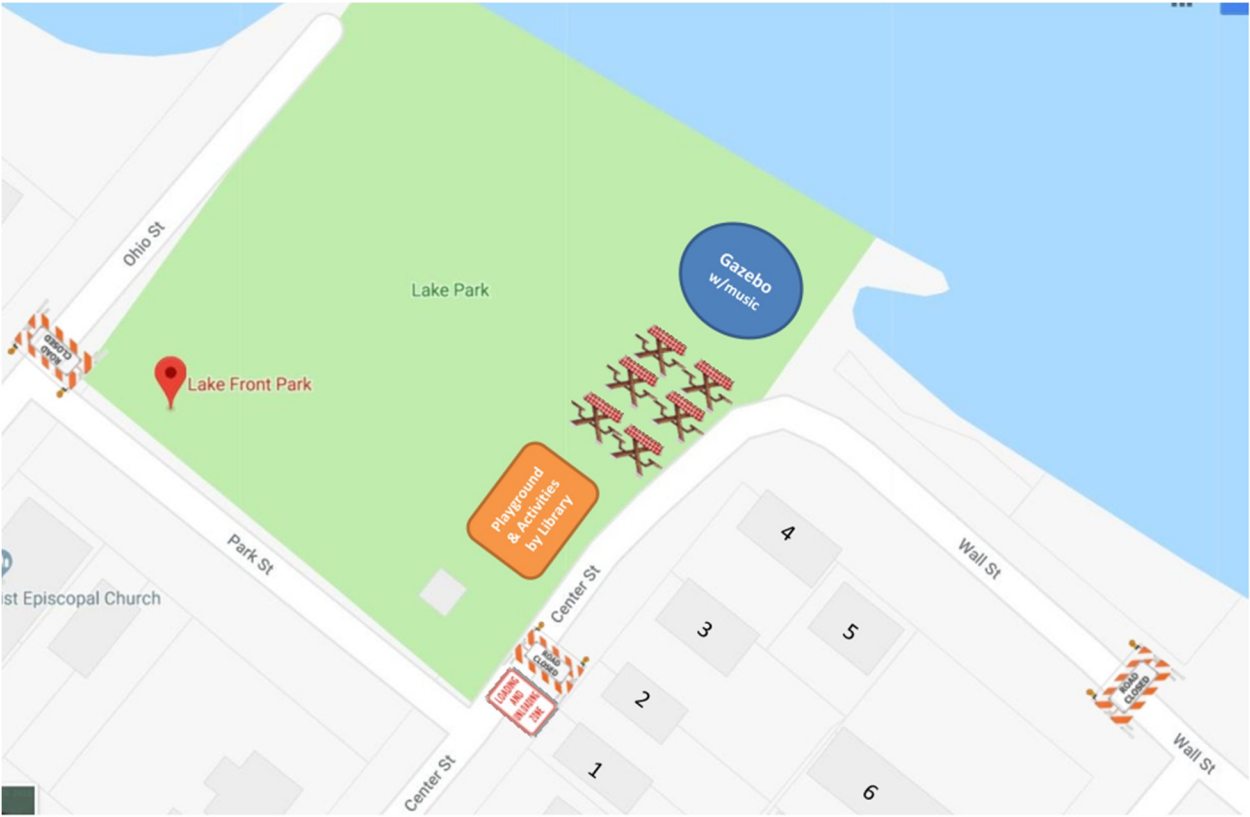
Date:\_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Todd A. Schrader  
Law Director

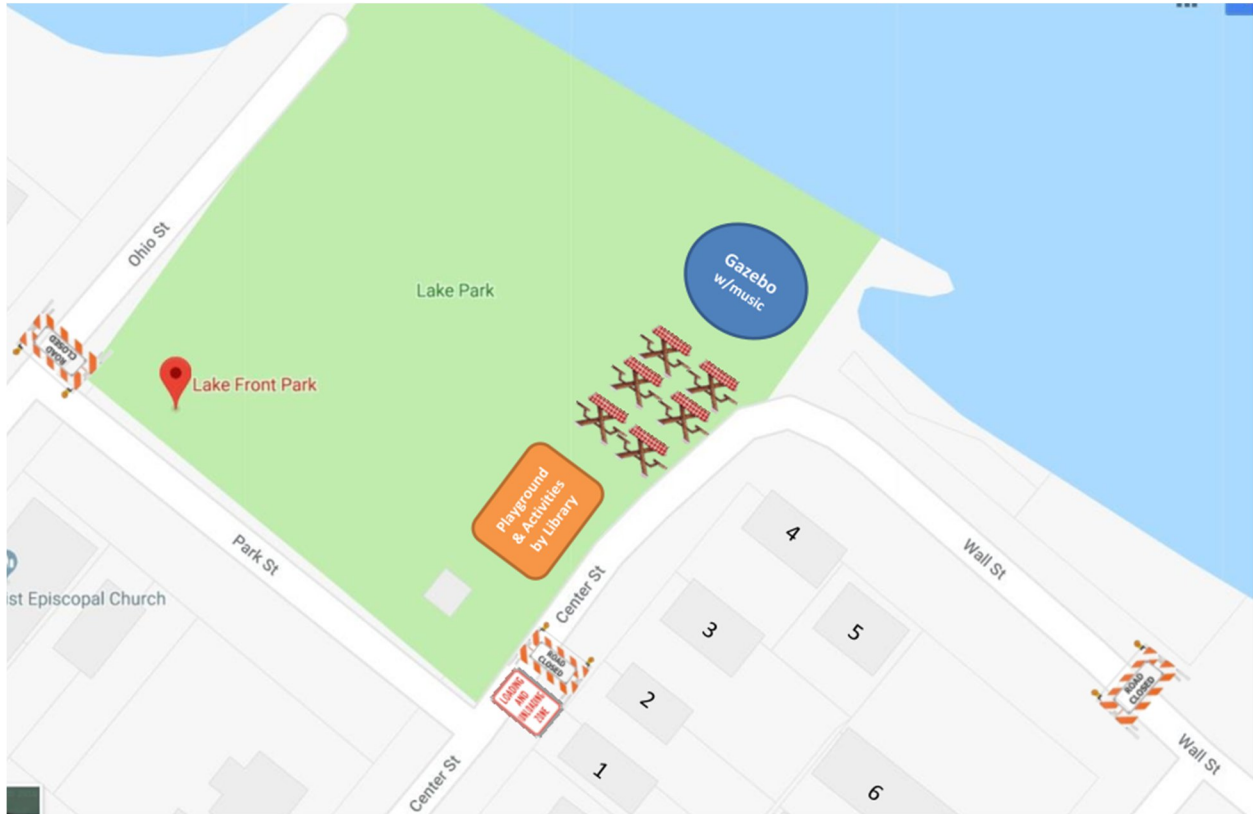


EXHIBIT A: EVENT SITE PLAN



Road closures at Wall Street/Williams Street,  
Center Street/Park Street and Ohio Street/Park  
Street.

## EXHIBIT B: ROAD CLOSURE LAYOUT



Road closures at Wall Street/Williams Street,  
Center Street/Park Street and Ohio Street/Park  
Street.

EXHIBIT C: FESTIVAL REGULATIONS

## Festival Regulations

The City of Huron has adopted, and the Fire Division enforces, the latest version of the Ohio Fire Code. The following regulations are highlighted to minimize misunderstanding between Fire Division personnel and festival vendors. The Ohio Fire Code, in its entirety, and the judgment of the Authority Having Jurisdiction (The Fire Chief or Designee) will continue to be the ultimate Authority regarding public fire safety.

It shall be the responsibility of the organization hosting the event (Permit Holder) to provide this information to all vendors, and to arrange for the inspection(s) with the Fire Division. Any one of these violations or any regulation cited shall be corrected immediately or the vendor will not be allowed to open until violation(s) are corrected. Absolutely, no exceptions will be made.

- All electrical connections and / or equipment **shall be** in full compliance with all requirements of the National Electric Code (NFPA 70). The City of Huron Electrical Inspector **shall be** contacted (419-357-1006) by the Permit Holder before each event for an electrical inspection.
- All required Fire extinguishers **shall be** properly tagged by a qualified service company within the past year according to (NFPA 10 ) Ohio Administrative Code 1301:7-7-45. You can locate a qualified company in the yellow pages under Fire Extinguishers.
- All tents, booths, trailers or canopies not occupied by the public used for cooking **shall have** at least one (1) portable fire extinguisher with a minimum 4-A:40:BC rating, or two (2) portable fire extinguishers with a minimum 2-A:10:BC rating. Vendors utilizing Deep Fryers shall have at least one Class K extinguisher with a minimum rating of 2-A:K.
- If cooking under a tent/canopy the tent **must have a permanently affixed label** (FM-2403.3) meeting (NFPA 701, Annex D) (NFPA 5000, Chapter 32) (NFPA 1, Chapter 25) of flame propagation.
- Fuel powered rides must have at least one (1) properly serviced & tagged extinguisher with a rating of 40:BC.

## Festival Regulations

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- If cooking under a tent/canopy the tent **must have a permanently affixed label** (FM-2403.3) meeting (NFPA 701, Annex D) (NFPA 5000, Chapter 32) (NFPA 1, Chapter 25) of flame propagation.
- Fuel powered rides must have at least one (1) properly serviced & tagged extinguisher with a rating of 40:BC.

EXHIBIT D: DESIGNATED AREA FOR SERVICE AND  
CONSUMPTION OF ALCOHOLIC BEVERAGES

## EXHIBIT E - LIABILITY INSURANCE



**TO:** Mayor Artino and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 44-2022  
**DATE:** April 12, 2022

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### **Subject Matter/Background**

In 2019, a study was undertaken by TranSystems, in partnership with Erie County – to consider major infrastructure enhancements along the US 6 corridor between Rye Beach Road in Huron and the City of Sandusky. This study aimed to enhance multi-modal safety and accessibility through the corridor. Upgrades considered as part of that planning exercise included intersection enhancements on Rye Beach Road, US 6 and Camp Street, US 6 and Perkins Avenue, road widening in front of Sawmill Creek Resort, and the installation of a multi-use bike path connecting Huron to Sandusky. Based on the significant investment occurring at Rye Beach Road and along US 6, ODOT District 3 and ODOT Central Office are working collaboratively to submit both a TRAC and RAISE application to the Ohio Department of Transportation and U.S. Department of Transportation respectively seeking funding to implement all portions of the previously completed TranSystems study. That application will require collaboration with Sandusky, Perkins Township, Huron Township, Erie County and the Railroad. The total project is estimated to cost upwards of \$30,000,000.

As part of the federal RAISE application specifically which is due April 14th, partnering jurisdictions have been asked to provide a letter of support highlighting the need and benefits of the proposed safety and mobility upgrades.

### **Financial Review**

There is no financial impact directly related to this legislation.

### **Legal Review**

The matter has been reviewed by the administration, follows normal administrative procedure and is proper

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution 44-2022 is in order.

[Resolution No. 44-2022 RAISE Letter of Support.docx](#)  
[Resolution No. 44-2022 Exhibit A.doc](#)



**RESOLUTION NO. 44-2022**

Introduced by Joel Hagy

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN LETTER OF SUPPORT TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION RELATING TO THE FUNDING REQUEST FROM THE OHIO DEPARTMENT OF TRANSPORTATION ON THEIR PLAN TO MAKE IMPROVEMENTS KNOWN AS THE US 6 CONNECTIVITY CORRIDOR PROJECT.**

**WHEREAS**, the Ohio Department of Transportation (“ODOT”) has submitted a funding request to the U.S. Department of Transportation relating to their plan to make transportation improvements in Erie County, Ohio (the “US 6 Connectivity Corridor Project”) that includes the Sandusky Bay Pathway project improvements along 6.3 miles of U.S. State Route 6 and extension of the Sandusky Bay Pathway; and

**WHEREAS**, the City supports the funding request as the proposed improvements enhance safety, increase efficiency, and improve multi-modal transportation options; and

**WHEREAS**, the City desires to express support for ODOT’s funding request in the form of a Letter of Support to the U.S. Department of Transportation, a copy of which is attached hereto as “Exhibit A.”

**NOW THEREFORE**, be it resolved by the Council of the City of Huron:

**SECTION 1.** That Council approves the attached Letter of Support directed to the U.S. Department of Transportation and authorizes Matthew Lasko, City Manager, to execute same and submit to the U.S. Department of Transportation.

**SECTION 2.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

**SECTION 3.** That this Resolution shall be in full force and effect from and immediately after its adoption.

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Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



April 12, 2022

The Honorable Pete Buttigieg  
Secretary, U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

Re: ***RAISE Submission of the US 6 Connectivity Corridor Including Sandusky Bay Pathway Project Located in Erie County, Ohio***

Dear Secretary Buttigieg:

Please allow this letter to serve as support for the funding request from the Ohio Department of Transportation on their plan to make transportation improvements in Erie County, Ohio. The US 6 Connectivity Corridor Including Sandusky Bay Pathway project includes improvements along 6.3 miles of U.S. State Route 6 and extension of the Sandusky Bay Pathway. The proposed improvements will enhance safety, increase efficiency, and improve multi-modal transportation options.

The project improvements are a result of a 2019 U.S. 6 Corridor Study that was developed through a regional partnership with significant public involvement. The regional partnership included four different political subdivisions (City of Sandusky, City of Huron, Perkins Township, and Huron Township), the Ohio Department of Transportation, and the Erie County Regional Planning Commission Metropolitan Planning Organization (ERPC MPO).

This portion of the U.S. Highway serves through traffic, and is a local arterial serving residential and commercial development which is subject to significant seasonal traffic demand related to the Cedar Point Amusement Park and Sports Force Parks at the Cedar Point Sports Center. The corridor also runs parallel to Lake Erie and is considered vital infrastructure as it supports an \$11 billion tourism economy as one of the premier tourist destinations in the State of Ohio.

Additionally, the project would encourage alternative forms of transportation and increase community connectivity. A shared multi-use path along the corridor that transitions into the Sandusky Bay Pathway provides for a direct connection between downtown Sandusky and the City of Huron. Aside from obvious health and recreational benefits, the new multi-modal facility would also expand access to workplaces, fitness centers, parks, and educational centers for those currently underserved populations that lie within the project area.

Overall, this project will provide a solid long-term investment for the Great Lakes Region. I strongly hope you consider funding this project and I am optimistic that you will agree it is a worthwhile project to pursue.

Sincerely,

CITY OF HURON, OHIO  
CITY COUNCIL

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Monty Tapp, Mayor



**TO:** Mayor Artino and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 45-2022  
**DATE:** April 12, 2022

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### **Subject Matter/Background**

In 2019, a study was undertaken by TranSystems, in partnership with Erie County – to consider major infrastructure enhancements along the US 6 corridor between Rye Beach Road in Huron and the City of Sandusky. This study aimed to enhance multi-modal safety and accessibility through the corridor. Upgrades considered as part of that planning exercise included intersection enhancements on Rye Beach Road, US 6 and Camp Street, US 6 and Perkins Avenue, road widening in front of Sawmill Creek Resort, and the installation of a multi-use bike path connecting Huron to Sandusky. Based on the significant investment occurring at Rye Beach Road and along US 6, ODOT District 3 and ODOT Central Office are working collaboratively to submit both a TRAC and RAISE application to the Ohio Department of Transportation and U.S. Department of Transportation respectively seeking funding to implement all portions of the previously completed TranSystems study. That application will require collaboration with Sandusky, Perkins Township, Huron Township, Erie County and the Railroad. The total project is estimated to cost upwards of \$30,000,000.

As part of the federal applications, partnering jurisdictions have been asked to provide high level funding commitments to the project. As currently proposed, the City is proposing to contribute up to \$1,000,000 to the project in 2023 or later specifically tied to multi-modal enhancements within the City. The ability to contribute these funds are contingent on availability of funds from the to be created Sawmill Creek Tax Increment Financing account.

### **Financial Review**

This is a conditional approval to fund the commitment to the US 6 Connectivity Corridor Project. The expenditure of funds is not required prior to calendar year 2023 with the expected funding resource to stem exclusively from the anticipated revenue generated from the Sawmill Creek Tax Increment Financing Project. Fund 401 - Capital Improvement.

### **Legal Review**

The matter has been reviewed by the administration, follows normal legislative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 45-2022 is in order.

[Resolution No. 45-2022 US 6 Funds Commitment.docx](#)

## RESOLUTION NO. 45-2022

Introduced by Joel Hagy

### **A RESOLUTION CONDITIONALLY AUTHORIZING THE EXPENDITURE OF CITY FUNDS NOT TO EXCEED \$1,000,000.00 RELATING TO THE OHIO DEPARTMENT OF TRANSPORTATION'S PLAN TO MAKE IMPROVEMENTS KNOWN AS THE US 6 CONNECTIVITY CORRIDOR PROJECT.**

**WHEREAS**, the Ohio Department of Transportation ("ODOT") has submitted a funding request to the U.S. Department of Transportation relating to their plan to make transportation improvements in Erie County, Ohio (the "US 6 Connectivity Corridor Project") that includes the Sandusky Bay Pathway project improvements along 6.3 miles of U.S. State Route 6 and extension of the Sandusky Bay Pathway; and

**WHEREAS**, the City has been informed that the City's financial commitment to the US 6 Connectivity Corridor Project will not exceed \$1,000,000.00, which is a portion of the total US 6 Connectivity Corridor Project improvement costs that are estimated to be approximately \$30,000,000.00; and

**WHEREAS**, the City supports the financial commitment as the proposed US 6 Connectivity Corridor Project improvements enhance safety, increase efficiency, and improve multi-modal transportation options; and

**WHEREAS**, the City desires to conditionally approve the funding commitment to the US 6 Connectivity Corridor Project provided: (a) the expenditure of funds is not required prior to calendar year 2023, and (b) said funds are available and sourced exclusively from the anticipated Sawmill Creek Tax Increment Financing Project;

**NOW THEREFORE**, be it resolved by the Council of the City of Huron:

**SECTION 1.** That Council conditionally approves a funding commitment to the US 6 Connectivity Corridor Project not to exceed \$1,000,000.00, provided: (a) the expenditure of funds is not required prior to calendar year 2023, and (b) said funds are available and sourced exclusively from the anticipated Sawmill Creek Tax Increment Financing Project.

**SECTION 2.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

**SECTION 3.** That this Resolution shall be in full force and effect from and immediately after its adoption.

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Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Artino and City Council  
**FROM:** Terri Welkener , Clerk of Council  
**RE:** Resolution No. 46-2022  
**DATE:** April 12, 2022

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### **Subject Matter/Background**

Council previously adopted Resolution 52-2021 on August 24, 2021 authorizing an agreement with the State of Ohio, Office of the Auditor, for services relating to the annual audit for calendar year 2020 in the amount of \$27,716.00. The Auditor has determined that additional work associated with internal service fund matters, including research and consultation, audit adjustments, revisions and updates to testing and report revisions is necessary, which work is in the additional amount of \$820.00 and brings the total fee to \$28,536.00.

### **Financial Review**

This resolution is necessary due to the additional cost to complete the FY2020 Audit, exceeding the purchasing threshold of \$25,000. The original letter of agreement estimated a total cost not to exceed \$27,716. The added cost equals \$820.00, as compared to 2019, is due to City needing a federal single audit for the 2020 fiscal year. The City received over \$750,000 in federal funds which requires additional auditing by the State Auditor. The aggregate cost of the annual districtwide audit is shared between four funds; 110 (General), 212 (Street Maint), 214 (Fire), and 604 (Water).

### **Legal Review**

The matter has been reviewed, follows normal legislative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion adopting Resolution No. 46-2022 is in order.

[Resolution No. 46-2022 Auditor Agreement Amendment.docx](#)

[Resolution No. 46-2022 Exhibit A.pdf](#)

**RESOLUTION NO. 46-2021**

Introduced by Mark Claus

**A RESOLUTION AMENDING AN AGREEMENT WITH THE STATE OF OHIO, OFFICE OF THE AUDITOR FOR ADDITIONAL WORK ASSOCIATED WITH INTERNAL SERVICE FUND MATTERS RELATING TO THE ANNUAL AUDIT FOR CALENDAR YEAR 2020 TO INCREASE THE TOTAL FEE FOR SERVICES RENDERED TO AN AMOUNT NOT TO EXCEED TWENTY-EIGHT THOUSAND FIVE HUNDRED THIRTY-SIX AND 00/100 DOLLARS (\$28,536.00).**

WHEREAS, the Director of Finance previously recommended an agreement with the State of Ohio, Office of the Auditor in an amount not to exceed Twenty-Seven Thousand Seven Hundred Sixteen and 00/100 (\$27,716.00), which agreement was approved in Resolution 52-2021 adopted on August 24, 2021; and

WHEREAS, the State of Ohio, Office of the Auditor has determined that additional work associated with internal service fund matters, including research and consultation, audit adjustments, revisions and updates to testing and report revisions is necessary, which additional services are in the amount of Eight Hundred Twenty and 00/100 Dollars (\$820.00);

WHEREAS, pursuant to Ohio Revised Code Section 117.11, the auditor of the state shall audit each public office annually.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1:** That Council hereby authorizes the City Manager to enter into an amendment to the agreement with the State of Ohio, Office of the Auditor for the annual audit for Calendar Year 2020, for additional services increasing the amount due pursuant to the agreement to Twenty-Eight Thousand Five Hundred Thirty-Six and 00/100 Dollars (\$28,536.00), a copy of which is attached hereto as Exhibit A.

**SECTION 2:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3:** This Resolution shall be in full force and effect from and immediately following its adoption.

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Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

# OHIO AUDITOR OF STATE KEITH FABER



88 East Broad Street  
Columbus, Ohio 43215  
ContactUs@ohioauditor.gov  
(800) 282-0370

## AMENDMENT #1 TO ENGAGEMENT LETTER

March 23, 2022

Matthew Lasko, City Manager  
City of Huron

Dear Matthew Lasko:

The engagement letter dated August 5, 2021 between the Auditor of State and City of Huron is hereby amended to reflect the following:

<u>Description of / Causes for Amendment</u>	<u>Estimated Fee Effect</u>
1 Additional work associated with internal service fund matters, including research and consultation, audit adjustments, revisions and updates to testing and report revisions.	<u>\$820.00</u>
Total this amendment	820.00
Previous fee estimate	<u>27,716.00</u>
Revised fee estimate	<u><u>\$28,536.00</u></u>



City of Huron  
Amendment to Engagement Letter  
Page 2

Please sign the copy of this letter in the space provided and return it to us. If you should have any questions, please call Brad Zura, Senior Audit Manager, at 800-443-9276.

Sincerely,

KEITH FABER  
Auditor of State

*Jonathan Lawless*

Jonathan A. Lawless, CFE  
Chief Auditor, Northwest Region

Attachment

cc: Mayor  
Finance Director  
City Manager  
City Council / Audit Committee

  
ACCEPTED BY

*3/24/2022*  
DATE

*City Manager*  
TITLE



**TO:** Mayor Artino and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 47-2022  
**DATE:** April 12, 2022

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### **Subject Matter/Background**

Submitted by Huron Fire Department:

Resolution No. 47-2022 requests authorization to make application to the Ohio Division of Commerce State Fire Marshall's Office for grant funds in the amount of \$13,638.00 for the purchase of three complete sets of bunker gear, as detailed on the application attached hereto as Exhibit 1. There is no application fee relating to this application, and there is no local match required. Grant funds are expected to be awarded in the next month or so.

### **Financial Review**

There is no direct financial impact related to this application for grant funds. If awarded, Fund 214 will account for the receipt of the grant and purchase of equipment. The local match for the grant will be split with the Township. The equipment items are currently on the Fire Department's asset replacement list and scheduled to be replaced in the next few years.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion adopting Resolution No. 47-2022 is in order.

[Resolution No. 47-2022 Exhibit 1.PDF](#)

[Resolution No. 47-2022 Fire Grant Application.doc](#)

## Commerce - Grants

### FIRE DEPARTMENT INDIVIDUAL EQUIPMENT GRANT APPLICATION

APPLICATION YEAR: **2022** DEADLINE: **02/28/2022**

Please gather all information prior to application entry. Once you start the application, the information entered cannot be saved and if you exit out of the application you will lose all information previously entered. The application must be answered completely to be considered for grant funds and submitted no later than **02/28/2022**.

The following document links are provided to assist you with the grant application:

[Additional Instructions and Conditions for the Equipment Grant](#)

[Individual Equipment Grant Scoring](#)

Throughout the application there are "click here" and "more info" drop fields to provide assistance when completing the application.

All questions concerning the Equipment Grant should be forwarded to (800) 515-0023.

NOTE: ALL fields in this form are REQUIRED (except Equipment Worksheet Items, only as needed).

### PURPOSE OF GRANT

The Ohio Department of Commerce Division of State Fire Marshal (SFM) has the availability of grant funding for eligible recipients to purchase equipment such as: firefighting or rescue equipment, or other equipment the fire department may need to provide effective fire protection services.

APPLICANT TYPE ([more info](#)).

Fire Department

### FIRE DEPARTMENT INFORMATION ([more info](#))

22009 Fire Department Identification Number (FDID) HURON FIRE DEPARTMENT (Erie County) Fire Department Name

15 Number of full time paid firefighters associated with the eligible recipient.

0 Number of firefighters who receive no compensation.

☒ YES ☐ NO In accordance with the Ohio Revised Code Section 3737.24, has the fire department reported fire incidents to the State Fire Marshal for the entire calendar year 2021 ?

☒ YES ☐ NO If applicable, is your fire department in compliance with the VFD in accordance with the Ohio Revised Code Chapter 146?

☐ YES ☒ NO Was the eligible recipient's fire department in a jurisdiction where the Governor declared a natural disaster?

#### APPLICATION CONTACT INFORMATION ([more info](#))

First Name: Doug Last Name: Nash Title: Admin. Captain

Daytime/Cell Telephone: (419) 541-0004 Email: dnash@cityofhuron.org

#### FIRE DEPARTMENT / GOVERNMENT ENTITY INFORMATION ([more info](#))

12,500 Total resident population receiving **primary fire protection** services.

Source of your population figure (check where appropriate):

☒ Census ☐ Fire Department Estimate ☐ Government Agency ☐ Other

37 Total area, in square miles, the eligible recipient provides **primary fire protection**.

\$1,769,762 Total operating budget during calendar year 2021, including both public and private source of income. Total operating budget includes money provided from taxes and fire protection contracts, as well as from fund raising and donations used for operating expenses. Do not include capital expenses for new trucks, buildings, or EMS budgets.

For **primary protection area**, list the total number of fire incidents/calls/responses requiring a NFIRS report in the following categories for Oct - Nov :

Primary Protection Area			
177	Structure	81	Vehicle
		1,032	Other

Mutual Aid Given			
15	Structure	5	Vehicle
		16	Other

2'Structure1Vehicle3Other

34-6400671Eligible recipient's Federal Taxpayer ID Number (i.e. 31-1234567).

FINANCIAL OFFICER INFORMATION [\(more info\)](#)

☒ Fire Department ☐ Government Entity Identity of Eligible Financial Officer.

First Name: MikeLast Name: HohlerTitle: Operation Captain

Address: 417 Main Street

City: HuronState: OhioZip: 44839

Daytime/Cell Telephone: (419) 541-0083Email: fire.chief@huronohio.us

EQUIPMENT WORKSHEET [\(more info\)](#)

TOTAL AMOUNT REQUESTED: \$13,638.00

PERSONAL PROTECTIVE EQUIPMENT			
Item	Unit Cost	Quantity	Total Cost
<a href="#">Edit</a> Helmet (NFPA 1971, 2018 edition)	\$361.00	3	\$1,083.00
<a href="#">Edit</a> Eye Shields (NFPA 1971, 2018 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Nomex or PBI Hood (NFPA 1971, 2018 edition)	\$139.00	3	\$417.00
<a href="#">Edit</a> Bunker Coats (NFPA 1971, 2018 edition)	\$1,872.00	3	\$5,616.00
<a href="#">Edit</a> Bunker Pants & Suspenders (NFPA 1971, 2018 edition)	\$1,525.00	3	\$4,575.00
<a href="#">Edit</a> Boots (NFPA 1971, 2018 edition)	\$533.00	3	\$1,599.00
<a href="#">Edit</a> Gloves – firefighting (NFPA 1971, 2018 edition)	\$116.00	3	\$348.00
<a href="#">Edit</a> Washer/Dryer Units (NFPA 1851, 2020 edition covers cleaning but does not specifically set a standard for W/D)	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Other, describe:	\$0.00	0.00	\$0.00
			Total: \$13,638.00

SCBA			
Item	Unit Cost	Quantity	Total Cost



		Unit Cost	Quantity	Item Cost
<a href="#">Edit</a>	Personal Alarm Safety System (PASS) Devices (NFPA 1982, 2018 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Self Contained Breathing Apparatus (SCBA) (NFPA 1852, 2019 edition for Selection and NFPA 1981, 2019 edition for pack specs.)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Individual SCBA Face piece (NFPA 1981, 2019 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	SCBA Cylinders (NFPA 1981, 2019 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	SCBA Voice Amplifiers (NFPA 1981, 2019 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	SCBA Eye Glass Holders (NFPA 1981, 2019 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Other, describe:	\$0.00	0.00	\$0.00
Total: \$0.00				
COMMUNICATIONS				
<a href="#">Edit</a>	Portable Radio (P25 Compliant)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Portable Repeaters	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Radio Interconnect System	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Portable Radio Support Equipment, including Battery Chargers and Battery Conditioners	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Mobile Radios for Fire Department vehicles (P25 Compliant)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Pagers	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Other, describe:	\$0.00	0.00	\$0.00
Total: \$0.00				
MISCELLANEOUS				
<a href="#">Edit</a>	Rescue Saws/Chain Saws	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Extrication tools including spreaders, cutters, rams, etc. (N/A) (NFPA 1936, 2020 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Reciprocating Saws	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Portable Generator	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Hand Tools (Halligans, axes, pry bars, etc.)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Ropes (Rescue & Individual Safety and Hardware) (NFPA 1983, 2017 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a>	Hose (NFPA 1961 Fire Hose, 2020 edition & 1963 Connectors, 2020 edition)	\$0.00	0.00	\$0.00

	Unit Cost	Quantity	Total Cost
<a href="#">Edit</a> Nozzles (NFPA 1964, 2018 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Smoke Ejector - PPV Blower / Fan	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Portable Fire Pumps	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Portable Water Tanks	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Thermal Imaging Camera (NFPA 1801, 2018 edition)	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Gas Monitoring Device	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Portable lighting, lanterns, flashlights, etc.	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Fire/EMS Reporting Software	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Fire Prevention Training Simulator	\$0.00	0.00	\$0.00
<a href="#">Edit</a> Other, describe:	\$0.00	0.00	\$0.00
Total: \$0.00			

TOTAL AMOUNT REQUESTED: \$13,638.00

CERTIFICATION INFORMATION ([more info](#))

☒ Fire Department ☐ Government Entity Identity of Certifier.

First Name: Doug

Last Name: Nash

Title: Admin. Captain

Address: 417 Main Street

City: Huron

State: 

Ohio

Zip: 44839

Daytime/Cell Telephone: (419) 541-0004

Email: dnash@cityofhuron.org

SUPPORTING DOCUMENTS

Please upload any supporting documents in PDF format, if necessary:

Select

☒ CERTIFICATION: By marking the circular box and submitting the application, I certify that the information contained in this application is correct to the best of knowledge and that the fire department or political subdivision represented has the intention to complete this project should the grant be awarded. Falsifying information on this application may result in rejection of the application.

**RESOLUTION NO. 47-2022**

Introduced by Monty Tapp

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A GRANT APPLICATION SUBMISSION BY THE HURON FIRE DEPARTMENT TO THE OHIO DEPARTMENT OF COMMERCE, STATE FIRE MARSHAL**

**WHEREAS**, the City of Huron Fire Department desires to utilize funding opportunities available through the Ohio Department of Commerce, State Fire Marshal (SFM) to obtain potential funding to be used for equipment replacement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**Section 1.** That the City Manager is authorized to approve the submission of a grant application by the Huron Fire Department to the Ohio Department of Commerce, State Fire Marshal for potential grant funding to be used for equipment replacement.

**Section 2.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22

**Section 3.** That this Resolution shall go into effect and be in full force and effect from and after the earliest date allowed by law.

---

Monty Tapp, Mayor

Attest: \_\_\_\_\_  
Clerk of Council

Adopted: \_\_\_\_\_