

# STARK COUNTY PARK DISTRICT



## RULES AND REGULATIONS

January 2020 Update

### CHAPTER 1 – GENERAL PROVISIONS

# CHAPTER 1

## General Provisions

### TITLE ONE - Administration

#### Section 101 – General Provisions.

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# Section 101 – General Provisions

## **101.01 DESIGNATION; CITATION; HEADING.**

- (a) All previous rules and regulations of a permanent and general nature of the Stark County Park District are hereby revised, codified, rearranged, renumbered and consolidated into component codes, chapters and sections and, together with other regulations of the Board of Park Commissioners of the Stark County Park District adopted from time to time in accordance with Ohio R.C. 1545.09, shall be known and designated as the "Park District Regulations", 2015. Code, chapter and section headings do not constitute any part of the law as contained in the Park District Regulations, nor do references to a section or sections of the Ohio Revised Code, which references are included solely for convenience of reference to a comparable section or sections of the Ohio Revised Code. The Park District Regulations are applicable to all property owned, leased and/or operated by the Stark County Park District and real property adjacent thereto, and to actions therein or thereon or with respect thereto.
- (b) All references to codes, chapters and sections are to such components of the Park District Regulations unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

## **101.02 GENERAL DEFINITIONS.**

As used in the Park District Regulations, unless another definition is provided or the context otherwise requires:

- (a) "And" may be read "or", and "or" may be read "and", if the sense requires it. (ORC 1.02(F))
- (b) "Board" means the Board of Park Commissioners of the Stark County Park District.
- (c) "Director" means the Chief Executive Officer of the Stark County Park District.
- (d) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork known as the world wide web. (ORC 1.59(K))
- (e) "Park" means any and all real property owned or controlled by the Board.
- (f) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association. (ORC 1.59(C))
- (g) "Property" means real and personal property. (ORC 1.59(E))
- (h) "Personal property" includes all property except real.
- (i) "Real property" includes lands, tenements and hereditaments.

- (j) "Ranger" means a law enforcement officer of the Stark County Park District or other authorized law enforcement officer. (ORC 1545.13)
- (k) "Rule" includes regulation. (ORC 1.59(F))
- (l) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (ORC 1.02(A))
- (m) "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 Park District Regulations, 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. 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 which is not a Sunday or a legal holiday. When a public office, in which an act required by law is to be performed, is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on 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 rangers or other persons shall be construed as giving such authority to a majority of such rangers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute.
- (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 regulation does not revive the regulation originally repealed nor impair the effect of any saving clause therein. (ORC 1.57)
- (b) A regulation which is re-enacted or amended is intended to be a continuation of the prior regulation and not a new enactment, so far as it is the same as the prior regulation. (ORC 1.54)
- (c) The re-enactment, amendment or repeal of a regulation does not, except as provided in subsection (d) hereof:
  - 1. Affect the prior operation of the regulation 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 regulation 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 any regulation, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the regulation as amended. (ORC 1.58)

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

- (a) A reference to any portion of the Park District Regulations 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, divisions, subdivisions or of subsections of a section, such reference shall be construed to mean a violation of any section, division, subdivision or subsection

included in such reference.

- (d) References in the Park District Regulations to action taken or authorized under designated sections of the Park District Regulations include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Park District Regulations. (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 prevails. (ORC 1.51)
- (c) If regulations enacted at different meetings are irreconcilable, the regulation latest in date of enactment prevails.
- (d) If amendments to the same regulation are enacted at different meetings, 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 a regulation, it is presumed that:
  - 1. Compliance with the constitutions of the State and of the United States is intended;
  - 2. The entire regulation 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) A regulation is presumed to be prospective in its operation unless expressly made retrospective. (ORC 1.48)
- (c) If a regulation is ambiguous, the court, in determining the intention may consider among other matters:
  - 1. The object sought to be attained;
  - 2. The circumstances under which the regulation 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 regulation. (ORC 1.49)

#### **101.08 SEVERABILITY.**

- (a) If any provision of a section of the Park District Regulations 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)

#### **101.09 WAIVERS; PERMITS.**

- (a) There are occasions when the waiver of a particular rule is appropriate or necessary with respect to programs or operations (e.g., allowing for group functions or special event demonstrations or to accommodate extraordinary attendance situations) or otherwise. Waivers of particular rules must be written but may be included in permits, including without limitation conditions of use (collectively, the "permits"). Inquiries regarding a waiver of a particular rule should be directed to:

Stark County Park District  
5300 Tyner Ave NW  
Canton, Ohio 44708  
(330)477-3552

- (b) Whenever requests shall be made for the waiver of particular rules by permit or otherwise, the Director is authorized to grant the waivers, including the permits, based on the effect of the granting thereof on maintaining good order; preserving, protecting and maintaining the vegetation, animals, streams and ponds; safeguarding the users and the animals; preventing damage and preserving the environment and otherwise conserving the natural resources. The Director may designate park employees to execute waivers, including permits, under conditions specified by him. All permits shall be deemed to be issued by the authority of the Director.

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

- (a) Whenever, in the Park District Regulations, 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 shall be punished by a fine not exceeding one hundred fifty dollars (\$150.00) for a first offense; for each subsequent offense such person shall be fined not more than one thousand dollars (\$1,000). A separate offense shall be deemed committed each day during or on which a violation continues or occurs. (ORC 1545.99)
- (b) All fines collected shall be paid into the treasury of the Board. (ORC 1545.09)

# STARK COUNTY PARK DISTRICT



## RULES AND REGULATIONS

### CHAPTER 3 – TRAFFIC PROVISIONS

# CHAPTER 3

## Traffic Provisions

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# Section 301 - Definitions

## 301.01 MEANING OF WORDS AND PHRASES.

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

## 301.02 DEFINITIONS

- (a) "Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. (ORC 4511.01(J))
- (b) "All Purpose Trail" means any designated hard pavement surfaces designed, constructed, and maintained for pedestrian use, including activities like bicycling and skating, and are not specifically reserved for motor vehicle or equestrian travel.
- (c) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))
- (d) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power, upon which a person may ride and that has two or more wheels any of which is more than fourteen inches in diameter. (ORC 4511.01(G))
- (e) "Motorized bicycle" or "Moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. "Motorized bicycle" or "Moped" does not include an electric bicycle.
- (f) "Bridle trail" means any designated trails which have been designed, constructed and maintained for equestrian and pedestrian use and are not specifically reserved for motor vehicle use.
- (g) "Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement as defined in Ohio R.C. 4511.01, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))
- (h) "Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both. (ORC 4511.01(I))

- (i) "Controlled-access highway" means every street, highway or parkway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. (ORC 4511.01(CC))
- (j) "Crosswalk" means:
  - (a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;
  - (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
  - (c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing. (ORC 4511.01(LL))
- (k) "Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))
- (l) "Emergency vehicle" means emergency vehicles of municipal, township or county departments, other political subdivisions or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))
- (m) "Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(T))
- (n) "Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device. (ORC 4511.01(U))
- (o) "Gross weight" means the weight of a vehicle plus the weight of any load thereon. (ORC 4511.01(V))
- (p) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter" or "motorcycle" without regard to weight or brake horsepower. (ORC 4511.01(C))

- (q) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general roadway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a roadway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B))
- (r) "Operate" means to cause or have caused movement of a vehicle. (ORC 4511.01(HHH))
- (s) "Park District" means the Stark County Park District.
- (t) "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- (u) "Pedestrian" means any natural person afoot. (ORC 4511.01(X))
- (v) "Person" means every natural person, firm, co-partnership, association or corporation. (ORC 4511.01(W))
- (w) "Predicate motor vehicle or traffic offense" means any of the following:
  - (a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;
  - (b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;
  - (c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
  - (d) A violation of a municipal ordinance or park district regulation that is substantially similar to any section or provision set forth or described in subsection (a) to (c) of this section. (ORC 4511.01(III))
- (x) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.
- (y) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access

restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. (ORC 4511.01(OOO))

- (z) "Public safety vehicle" means any of the following:
  - (a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;
  - (b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State, a municipality or other political subdivision;
  - (c) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection
  - (d) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.
  - (e) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.
  - (f) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.
- (aa) "Ranger" means a law enforcement officer of the Stark County Park District or other law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (bb) "Right of way" means either of the following, as the context requires:
  - (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;
  - (b) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or local authority. (ORC 4511.01(UU))
- (cc) "Roadway" means that portion of a street, highway or parkway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a

street, highway or parkway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively. (ORC 4511.01(EE))

- (dd) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Park District, or within such limits and the territorial limits of municipal corporations immediately contiguous to the Park District, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time. "Child day-care center" and "type A family day-care home" have the same meanings as in Ohio R.C. 5104.01. (ORC 4511.01(F), (FFF))
- (ee) "Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. (ORC 4511.01(N))
- (ff) "Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the roadway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. (ORC 4511.01(PPP))
- (gg) "Stop" when required means a complete cessation of movement.
- (hh) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- (ii) "Street", "parkway" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.
- (jj) "Thruway" means a through parkway, street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. (ORC 4511.01(AAA))
- (kk) "Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using for purposes of travel any street or highway or private road open to public travel. (ORC 4511.01(TT))
- (ll) "Traffic control device" means a flagger, sign, signal, marking, or other device used

to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. (ORC 4511.01(QQ))

- (mm) "Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed. (ORC 4511.01(RR))
- (nn) "Trail" means any hiking, physical fitness trails, and all other passageways which have been designed, constructed and maintained for pedestrian use unless designated to allow other specific activity.
- (oo) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a roadway at a speed greater than twenty-five miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a roadway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. (ORC 4511.01(M))
- (pp) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))
- (qq) "Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a roadway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))
- (rr) "Wheelchair" means:
  - (a) A manually-operated device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.
  - (b) Any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.
  - (c) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines--whether or not designed primarily for use by individuals with mobility disabilities--that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section
- (ss) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.
- (tt) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable

pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

- (uu) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.
- (vv) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.
- (ww) "Multi-purpose trail" means an improved trail consisting of a paved surface of asphalt or crushed stone that may be used by bicycles, class 1 electric bicycles, pedestrians, and users of manual and motorized wheelchairs.
- (xx) "Natural surface trail" means any trail consisting of a dirt or sod surface that may only be used by pedestrians unless otherwise posted.
- (yy) "Mountain bike trail" means any trail only open to bicycles unless otherwise posted.

## Section 303 - Enforcement, Impounding and Penalty

### **303.01 TRAFFIC DIRECTION IN EMERGENCIES.**

- (a) Rangers 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 rangers 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 ranger or fireman issued pursuant to this section.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

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

- (a) A ranger may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a roadway, or any public or private property used by the public for purposes of vehicular travel or parking. The ranger 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)

### **303.03 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.**

- (a) The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a roadway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.
- (b) The driver of a lane maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a roadway, provided the roadway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.031, 331.05 to 331.061, 331.26, 333.03, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.
- (c) (1) This section does not exempt a driver of a roadway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.031, 331.05 to 331.061, 331.26, 333.03, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.  
(2) This section does not exempt the driver of a vehicle that is engaged in the transport of roadway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.
- (d) As used in this section, "roadway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific lane maintenance activities. (ORC 4511.04)

### **303.04 EMERGENCY, PUBLIC SAFETY AND CORONER'S VEHICLES EXEMPT.**

- (a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.15, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other park district regulations that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is 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 if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. 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 and property upon the roadway. (ORC 4511.041)
- (b) Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32,

4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other park district regulations that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the roadway. (ORC 4511.042)

### **303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.**

- (a) Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

### **303.06 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.**

- (a) The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

### **303.07 IMPOUNDING OF VEHICLES; REDEMPTION.**

- (a) Rangers are authorized to provide for the removal of a vehicle under the following circumstances:
  1. When any vehicle is left unattended upon any roadway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
  2. When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on a roadway, public parking area or upon or within the right of way of any roadway, for forty-eight consecutive hours or longer without notification to Ranger Headquarters of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a ranger.
  3. When any vehicle has been stolen or operated without the consent of the owner.
  4. When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any roadway or public parking area.
  5. When any vehicle has been used in or connected with the commission of a felony and is located upon any roadway or public parking area.
  6. When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued

operation would constitute a condition hazardous to life, limb or property, and is located upon any roadway or public parking area.

7. When any vehicle is left unattended either on any roadway or public parking area due to the removal of an ill, injured or arrested operator..
  8. When any vehicle has been operated by any person who has failed to stop in case of an accident or collision.
  9. When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a roadway or public parking area.
  10. When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located upon a roadway or public parking area.
  11. When any vehicle is found operating on a trail or walkway and additional operation would create a danger to patrons or property.
- (b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under Ohio R.C. 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the ranger shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall contact Ranger Headquarters and make arrangements to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.
- (c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.
- (d) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **303.08 LEAVING JUNK AND OTHER VEHICLES ON PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.**

- (a) No person shall willfully leave any vehicle or an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on a public roadway, parking area or upon or within the right of way of any roadway for forty-eight consecutive hours or longer without notification to Ranger Headquarters of the reasons for leaving the vehicle in such

place.

- (b) For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other regulations regulating or prohibiting the abandonment of motor vehicles.
- (c) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Park District in disposing of an abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the Park District from this disposal of the vehicle.  
(ORC 4513.64)

### **303.09 USE OF WALKS AND TRAILS.**

- (a) No person shall use any portion of the park for purposes of travel except roadways, walks and trails established for such purposes. No person shall operate any motor vehicle on trails established as bridle trails, foot trails or all-purpose trails.
- (b) No person shall operate any type of self-propelled vehicle or any vehicle moved by animal or human power upon any foot trail or bridle trail. No person shall operate a bicycle except on roadways, paved all-purpose trails or trails specifically designated for bicycle use.
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **303.10 COMPLIANCE WITH LAWFUL ORDER OF RANGER; FLEEING.**

- (a) No person shall fail to comply with any lawful order or direction of any ranger 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 ranger after receiving a visible or audible signal from a ranger 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 ranger. 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)

**303.11 PROVIDING FALSE INFORMATION TO A RANGER.**

- (a) No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a ranger 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 Penalty. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.
- (b) Misdemeanor Classification. Whoever is convicted of or pleads guilty to a violation of this Traffic Code, for which a misdemeanor classification has been assigned, 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)

# Section 305 – Traffic Control

## **305.01 BOARD AUTHORITY TO REGULATE LOCAL TRAFFIC.**

- (a) The provisions of the State Traffic Code as contained in Ohio R.C. Chapters 4511 and 4513 do not prevent the Board from enacting local traffic regulations covering the following activities with respect to the roadways under local jurisdiction and within the reasonable exercise of the police power by the Board:
1. Regulating the stopping, standing or parking of vehicles;
  2. Regulating traffic by means of rangers or traffic control devices;
  3. Regulating or prohibiting processions or assemblages on streets or roadways;
  4. Designating particular roadways as one-way and requiring that all vehicles on the one-way roadways be moved in one specific direction;
  5. Regulating the speed of vehicles in public parks;
  6. Designating any roadway as a through roadway and requiring that all vehicles stop before entering or crossing a through roadway, or designating any intersection as a stop or yield intersection and requiring all vehicles to stop or yield at one or more entrances to the intersection;
  7. Regulating or prohibiting vehicles from passing to the left of safety zones;
  8. Regulating the operation of bicycles; provided that no such regulation shall be fundamentally inconsistent with the uniform rules of the road prescribed by this Traffic Code and that no such regulation shall prohibit the use of bicycles on any roadway.
- (b) No regulation enacted under subsections (a)(4), (5), (6), (7) or (8) of this section shall be effective until signs giving notice of the local traffic regulations are posted upon or at the entrance to the roadway or part of the roadway affected, as may be most appropriate.
- (c) Every regulation enacted under subsection (a)(1) hereof shall be enforced in compliance with Section 305.03.  
(ORC 4511.07)

## **305.02 CONFORMITY WITH STATE MANUAL.**

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

## **305.03 OWNER MAY ESTABLISH NONLIABILITY FOR LOCAL TRAFFIC OFFENSES BY PROOF OF LEASE OF VEHICLE.**

- (a) The owner of a vehicle shall be entitled to establish non-liability for prosecution for violation of an ordinance, resolution or regulation enacted under Section 305.01(a)(1)

by proving the vehicle was in the care, custody or control of a person other than the owner at the time of the violation pursuant to a written lease agreement providing that except for such agreement, no other business relationship with respect to the vehicle in question exists between the operator and owner.

- (b) Proof that the vehicle was in the care, custody or control of a person other than the owner shall be established by sending a copy of such written lease agreement to the prosecuting authority within thirty days from the date of receipt by the owner of the notice of violation. The furnishing of a copy of a written lease agreement shall be prima-facie evidence that a vehicle was in the care, custody or control of a person other than the owner. (ORC 4511.071)

## Section 311 - Roadway Obstructions and Special Uses

### **311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN ROADWAY OR PARKING AREA.**

- (a) No person shall place or knowingly drop upon any part of a roadway or parking area any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such roadway or parking area, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.
- (b) Any person who drops or permits to be dropped or thrown upon any roadway or parking area any noxious, destructive or injurious material shall immediately remove the same.
- (c) Any person authorized to remove a wrecked or damaged vehicle from a roadway or parking area shall remove any glass or other injurious substance dropped upon the roadway or parking area from such vehicle.
- (d) No person shall place any obstruction in or upon a roadway or parking area without proper authority.
- (e) No person, with intent to cause physical harm to a person or vehicle, shall place or knowingly drop upon any part of a roadway or parking area any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such roadway or parking area, except such substances that may be placed upon the roadway by proper authority for the repair or construction

thereof.

- (f) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.
- (2) Whoever violates subsection (e) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.74)

### **311.02 PARADES AND ASSEMBLAGES.**

- (a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any roadway or public area, or block off any roadway or public area, without first obtaining a permit from the Park District.
- (b) Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.
- (c) The permit may be refused or cancelled if:
  - 1. The time, place, size or conduct of the parade including the assembly areas and route of march would reasonably interfere with the public convenience and safe use of the Park District.
  - 2. The parade would require the diversion of so great a number of rangers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection.
  - 3. The parade route or assembly areas would unreasonably interfere with the movement of law enforcement vehicles, fire-fighting equipment or ambulance service to other areas of the Park District or surrounding communities.
  - 4. The parade or assemblage would unreasonably interfere with another parade or assemblage for which a permit has been issued.
  - 5. The information contained in the application is found to be false, misleading or incomplete in any material detail.
  - 6. An emergency such as a fire or storm would prevent the proper conduct of the parade or assemblage.
- (d) The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the place of assembly and of dispersal, the route of march, travel or location and the roadways or portions thereof which may be used or occupied. Any cost or expense will be the responsibility of the permit holder.
- (e) Whoever violates this section shall be fined not more than one hundred fifty dollars

(\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

## Section 313 – Traffic Control Devices

### 313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

- (a) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a ranger.
- (b) No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place.
- (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 4511.12)

### 313.02 TRAFFIC SIGNAL INDICATIONS.

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

- (a) Steady Green Signal Indication:
  - 1. A. Vehicular traffic facing a circular green signal indication is permitted to proceed straight through or turn right or left, or make a u-turn movement except as such movement is modified by a lane- use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
    - a. Pedestrians lawfully within an associated crosswalk;
    - b. Other vehicles lawfully within the intersection.
  - B. In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
- 2. Vehicular traffic facing a green arrow signal indication, displayed alone or in

combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

- a. Pedestrians lawfully within an associated crosswalk.
- b. Other traffic lawfully using the intersection.

3. A. Unless otherwise directed by a pedestrian signal indication, as provided in Section 313.03, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.
- B. Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.

(b) Steady Yellow Signal Indication:

1. Vehicular traffic facing a steady circular yellow signal indication is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.
2. Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.
3. Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in Section 313.03 or other traffic control device, shall not start to cross the roadway.

(c) Steady Red Signal Indication:

1. A. Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, before then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in subsections (c)(1), (2) and (3) of this section.
- B. Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way

street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.

2. A. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.  
B. When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow, and shall be subject to the provisions that are applicable after making a stop at a stop sign.
  3. Unless otherwise directed by a pedestrian signal indication as provided in Section 313.03 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.
  4. Local authorities by ordinance, or the Director of Transportation on State highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.
  5. The Board may by regulation, or the authorized local authority may by rule, prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.
- (d) Flashing Green Signal Indication. A flashing green signal indication has no meaning and shall not be used.
- (e) Flashing Yellow Signal Indication:
1. A. Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
    - a. Pedestrians lawfully within an associated crosswalk;
    - b. Other vehicles lawfully within the intersection.
  - B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
  2. A. Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal

indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:

- a. Pedestrians lawfully within an associated crosswalk;
- b. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

3. Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.
  4. When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.
- (f) Flashing Red Signal Indication:
1. Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.
  2. Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.
  3. When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

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

### **313.03 SPECIAL PEDESTRIAN CONTROL SIGNALS.**

- (a) Whenever special pedestrian control signals exhibiting the words “walk” or “don’t walk”, or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:
  - 1. A steady walking person signal indication, which symbolizes “walk”, means that a pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the walking person signal indication is first shown.
  - 2. A flashing upraised hand signal indication, which symbolizes “don’t walk”, means that a pedestrian shall not start to cross the roadway in the direction of the signal indication, but that any pedestrian who has already started to cross on a steady walking person signal indication shall proceed to the far side of the traveled way of the street or highway, unless otherwise directed by a traffic control device to proceed only to the median of a divided highway or only to some other island or pedestrian refuge area.
  - 3. A steady upraised hand signal indication means that a pedestrian shall not enter the roadway in the direction of the signal indication.
  - 4. Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word “wait” if those signals were installed prior to March 28, 1985.
  - 5. A flashing walking person signal indication has no meaning and shall not be used. (ORC 4511.14)
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.99)

### **313.04 UNAUTHORIZED SIGNS AND SIGNALS, HIDING FROM VIEW, ADVERTISING.**

- (a) No person shall place, maintain or display upon or in view of any roadway any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles a traffic control device or signal, or which attempts to direct the movement of traffic, or hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain upon any roadway any traffic sign or signal bearing thereon any commercial advertising.
- (b) Every such prohibited sign, signal, marking or device is a public nuisance, and the rangers are authorized to remove it or cause it to be removed.
- (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 4511.16)

### **313.05 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.**

- (a) No person without lawful authority, shall do any of the following:
  - 1. Knowingly move, deface, damage, destroy or otherwise improperly tamper with any traffic control device, any railroad sign or signal, or any inscription, shield or insignia on the device, sign or signal, or any part of the device, sign or signal;
  - 2. Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it;
  - 3. Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.
- (b) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (3) of this section is guilty of a misdemeanor of the third degree. If a violation of subsection (a)(1) or (3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of subsection (a)(1) or (3) of this section causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a felony and shall be prosecuted under appropriate state law.
- (c) Except as otherwise provided in this subsection, whoever violates subsection (a)(2) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the third degree. (ORC 4511.17)

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

- (a) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing the driver either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right of way:
  - 1. Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
  - 2. Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
  - 3. Exercise ordinary care while proceeding through the intersection.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.132)

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

- (a) As used in this section, "traffic control device" means any sign, traffic control signal or other device conforming to and placed or erected in accordance with the manual adopted under Ohio R.C. 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets, roadways and highways, but does not mean any pavement marking.
- (b) No individual shall buy or otherwise possess or sell, a traffic control device, except when one of the following applies:
  - 1. In the course of the individual's employment by the State or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;
  - 2. In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local authority;
  - 3. For the purpose of demonstrating the design and function of a traffic control device to State or local officials;
  - 4. When the traffic control device has been purchased from the State or a local authority at a sale of property that is no longer needed or is unfit for use;
  - 5. The traffic control device has been properly purchased from a manufacturer for

use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

- (c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of Ohio R.C. 2913.02 or a park regulations relating to theft, or for receiving stolen property in violation of Ohio R.C. 2913.51 or a park regulation relating to receiving stolen property.
- (d) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.18)

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

- (a) No person shall possess a portable signal preemption device.
- (b) No person shall use a portable signal preemption device to affect the operation of a traffic control signal.
- (c) Subsection (a) of this section does not apply to any of the following persons and subsection (b) of this section does not apply to any of the following persons when responding to an emergency call:
  - 1. A peace officer, as defined in Ohio R.C. 109.71(A)(7), (11), (12), (14) or (19);
  - 2. A State highway patrol trooper;
  - 3. A person while occupying a public safety vehicle as defined in Ohio R.C. 4511.01(E)(1), (3) or (4).
- (d) Whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (b) of this section is guilty of a misdemeanor of the first degree.
- (e) As used in this section, “portable signal preemption device” means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence. (ORC 4511.031)

## **Section 331 – Operation Generally**

### **331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.**

- (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
  - 1. When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
  - 2. When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;
  - 3. When driving upon a roadway designated and posted with signs for one-way

traffic;

4. When otherwise directed by a ranger or traffic control device.
- (b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
- A. When overtaking and passing another vehicle proceeding in the same direction;
  - B. When preparing for a left turn;
  - C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
- (2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.
- (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 4511.25)

### **331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.**

- (a) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.26)

### **331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.**

- (a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:
1. The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.
  3. The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a roadway as defined in Section 331.25, is not required to signal audibly to the vehicle being overtaken and passed.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.27)

### **331.031 OVERTAKING AND PASSING UPON RIGHT.**

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
1. When the vehicle overtaken is making or about to make a left turn;
  2. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.
- (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 4511.28)

### **331.04 OVERTAKING, PASSING TO LEFT OF CENTER.**

- (a) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before

coming within 200 feet of any approaching vehicle.

- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.29)

### **331.05 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF ROADWAY.**

- (a) No vehicle shall be driven upon the left side of the roadway under the following conditions:
  - 1. When approaching the crest of a grade or upon a curve in the roadway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;
  - 2. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel;
  - 3. When approaching within 100 feet of or traversing any intersection or railroad grade crossing.
- (b) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in Section 331.01(a)(2).
- (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 4511.30)

### **331.06 HAZARDOUS OR NO PASSING ZONES.**

- (a) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such

movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone. When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions of the signs or markings, notwithstanding the distance set out in Section 331.05.

- (b) Subsection (a) of this section does not apply when all of the following apply:
1. The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.
  2. The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.
  3. There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of Section 331.04, considering the speed of the slower vehicle.
- (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 4511.31)

### **331.061 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.**

- (a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:
1. A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
  2. Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
  3. Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.
  4. (4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.33)

### **331.07 FOLLOWING TOO CLOSELY.**

- (a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks. Motor vehicles being driven upon any roadway in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.34)

### **331.08 TURNING AT INTERSECTIONS.**

- (a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:
  1. Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
  2. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
  3. At any intersection where traffic is restricted to one direction on one or more of

the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

4. Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.36)

### **331.081 TURNING INTO PRIVATE DRIVEWAY, ALLEY OR BUILDING.**

- (a) The driver of a vehicle intending to turn into a private road or driveway, alley or building from a roadway shall be governed by the following rules:
1. Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
  2. Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.
  3. Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.
  4. It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right of way to pedestrians lawfully using the all purpose trail, bridle trail, path, sidewalk or sidewalk area extending across any alleyway, private road, driveway or building.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

### **331.09 "U" TURNS RESTRICTED.**

- (a) Except as provided in Section 313.02 and subsection (b) hereof, no vehicle shall be

turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if the vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction.

- (b) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This subsection applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is 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 driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This subsection 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 and property upon the roadway. (ORC 4511.37)
- (c) Except as provided in subsection (b) hereof, no vehicle shall be turned so as to proceed in the opposite direction within an intersection or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the roadway and without interfering with the safe operation of any traffic that may be affected by such movement.
- (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. (ORC 4511.37)

### **331.10 STARTING AND BACKING VEHICLES.**

- (a) No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.
- (b) Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property.
- (c) No person shall back a motor vehicle on a roadway, except: in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle.
- (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. (ORC 4511.38)

### **331.11 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.**

- (a) No person shall turn a vehicle or move right or left upon a roadway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.
- (b) When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.
- (d) Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a roadway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.
- (e) The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.
- (f) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.39)

### **331.12 HAND AND ARM SIGNALS.**

- (a) Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:
  - 1. Left turn: Hand and arm extended horizontally;
  - 2. Right turn: Hand and arm extended upward;

3. Stop or decrease speed: Hand and arm extended downward.
- (b) As an alternative to subsection (a)(2) hereof, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.
  - (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 4511.40)

### **331.13 RIGHT OF WAY AT INTERSECTIONS.**

- (a) When two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.
- (b) The right of way rule declared in subsection (a) hereof, is modified at through roadways and otherwise as stated in this Traffic Code and Ohio R.C. Chapter 4511. (ORC 4511.41)
- (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 4511.41)

### **331.14 RIGHT OF WAY WHEN TURNING LEFT.**

- (a) The operator of a vehicle intending to turn to the left within an intersection or driveway shall yield the right of way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection or driveway as to constitute an immediate hazard.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.42)

### **331.15 OPERATION OF VEHICLE AT YIELD SIGNS.**

- (a) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable

for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right of way.

- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.43(B))

#### **331.16 OPERATION OF VEHICLE AT STOP SIGNS.**

- (a) Except when directed to proceed by a ranger, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.43(A))

#### **331.17 EMERGENCY OR PUBLIC SAFETY VEHICLES AT STOP SIGNALS OR SIGNS.**

- (a) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the roadway.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously

has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.03)

### **331.18 RIGHT OF WAY OF PUBLIC SAFETY OR CORONER'S VEHICLE.**

- (a) Upon the approach of a public safety vehicle or coroner's vehicle, equipped with 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 the driver is giving an audible signal by siren, exhaust whistle or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive if practical to a position parallel to and as close as possible to, the right edge or curb of the roadway clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a ranger.
- (b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the roadway.
- (c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with Ohio R.C. 4513.171. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.
- (d) Except as otherwise provided in this subsection, whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)

### **331.19 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 roadway 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. (ORC 4511.44)

### **331.20 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 331.18 or when directed otherwise by a ranger, 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. (ORC 4511.451)

### **331.21 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.
- (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.
- (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 4511.70(A),(B),(D))

### **331.22 DRIVING UPON ROADWAY POSTED AS CLOSED.**

- (a) No person shall drive upon, along or across a roadway, or any part of a roadway that has been closed in the process of its construction, reconstruction or repair, for a special event, weather or other conditions, and posted with appropriate signs.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.71)

### **331.23 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.**

- (a) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a ranger or a firefighter.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.72)

### **331.24 DRIVING OVER FIRE HOSE.**

- (a) No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose that is laid down on any roadway or driveway to be used at any fire or alarm of fire.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.73)

### **331.241 DRIVING THROUGH SAFETY ZONE.**

- (a) No vehicle shall at any time be driven through or within a safety zone.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.60)

### **331.25 ONE-WAY ROADWAYS.**

- (a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.32)

### **331.26 DRIVING UPON DIVIDED ROADWAYS.**

- (a) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a ranger.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.35)

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

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

- (b) No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.
- (c) No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.
- (d) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **331.28 OCCUPYING A MOVING TRAILER OR MANUFACTURED OR MOBILE HOME.**

- (a) No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a roadway.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.701)

### **331.29 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.**

- (a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **331.30 LITTERING FROM MOTOR VEHICLE.**

- (a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any roadway, parking area or driveway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.
- (b) No operator of a motor vehicle in operation upon any roadway, parking area or driveway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.
- (c) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything

else of an unsightly or unsanitary nature.

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

### **331.31 WEARING EARPLUGS OR EARPHONES PROHIBITED.**

- (a) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player or other similar device that provides the listener with radio programs, music or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.
- (b) This section does not apply to:
1. Any person wearing a hearing aid;
  2. Law enforcement personnel while on duty;
  3. Fire personnel and emergency medical service personnel while on duty;
  4. Any person engaged in the operation of equipment for use in the maintenance or repair of any roadway, driveway or parking area; or
  5. Any person engaged in the operation of refuse collection equipment.
- (c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.84)

### **331.32 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.**

- (a) No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.
- (b) No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.
- (c) It shall be prima-facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.
- (d) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

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

- (a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person

attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

- (b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are boarding or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.
- (c) School buses operating on divided roadways shall receive and discharge all school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the roadway.
- (d) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child or person's residence side of the road.
- (e) As used in this section:
  - 1. "Head start agency" has the same meaning as in Ohio R.C. 3301.32.
  - 2. "School bus", as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.
- (f) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a

violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

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

## Section 333 – OVI; Willful Misconduct; Speed

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

- (a) No person shall operate a vehicle on any roadway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)
- (b) No person shall operate a vehicle on any park district property other than roadways, in willful or wanton disregard of the safety of persons or property.
- (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)

### **333.02 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 roadway and any other conditions, and no person shall drive any motor vehicle in and upon any roadway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead. (ORC 4511.21(A))

- (b) It is prima-facie lawful, in the absence of a higher lower limit declared by the Board, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:
  - 1. Fifteen miles per hour (15 MPH) in all parking lots, parking areas and trailheads.
  - 2. Fifteen miles per hour (15 MPH) on all other roadways, except as otherwise posted.
- (c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b) hereof.
- (d) The Board, pursuant to Ohio R.C. 4511.01(AA) and 4511.07(E), may regulate and set the speed of vehicles and need not obtain any State permission to do so.
- (e) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)
- (f) Notwithstanding subsection (e) 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. (ORC 4511.21)

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

- (a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, an emergency vehicle, or a road service 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 roadway 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, or emergency vehicle, or a road service vehicle.
  - 2. If the driver is not traveling on a roadway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a roadway 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, an emergency vehicle, or a road service vehicle from the duty to drive with due regard for the safety of all persons and property upon the roadway.
- (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. (ORC 4511.213)

### **333.03 STOPPING VEHICLE AND SLOW SPEED.**

- (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) 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 4511.22)

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

- (a) The prima-facie speed limitations set forth in Section 333.02 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)

### **333.05 OPERATION WITHOUT REASONABLE CONTROL.**

- (a) No person shall operate a motor vehicle on any roadway, public parking area or

driveway without being in reasonable control of the vehicle.

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

### **333.06 RECKLESS OPERATION ON ROADWAYS.**

- (a) No person shall operate a vehicle on any roadway without due regard for the safety of persons or property.
- (b) No person shall operate a vehicle on any park district property other than roadways, without due regard for the safety of persons or property.
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **333.07 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.**

- (a) (1) Operation Generally. No person shall operate any vehicle within the Park District, if, at the time of the operation, any of the following apply:
  - A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
  - B. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
  - C. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
  - D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
  - E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.
  - F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
  - G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
  - H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.
  - I. The person has a concentration of two hundred thirty-eight- thousandths of one gram or more by weight of alcohol per one hundred milliliters of the

person's urine.

- J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
  2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
  3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
  4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
  5. The person has a concentration of heroin metabolite (6- monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.
  6. The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
  7. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

8. Either of the following applies:
    - a. The person is under the influence of alcohol, a drug of abuse or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
    - b. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
  9. The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
  10. The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
  11. The State Board of Pharmacy has adopted a rule pursuant to Ohio R.C. 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this Park District, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.
- (2) No person who, within twenty years of the conduct described in subsection (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) or (B), or any other equivalent offense shall do both of the following:
- A. Operate any vehicle within the Park District while under the influence of alcohol, a drug of abuse or a combination of them;
  - B. Subsequent to being arrested for operating the vehicle as described in subsection (a)(2)A. of this section, being asked by a law enforcement officer to

submit to a chemical test or tests under Ohio R.C. 4511.191, and being advised by the officer in accordance with Ohio R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

- (b) Operation After Under-Age Consumption. No person under twenty-one years of age shall operate any vehicle within the Park District, if, at the time of the operation, any of the following apply:
- (1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
  - (2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
  - (3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
  - (4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.
- (c) One Conviction Limitation. In any proceeding arising out of one incident, a person may be charged with a violation of subsection (a)(1)A. or (a)(2) and a violation of subsection (b)(1), (2) or (3) of this section, but the person may not be convicted of more than one violation of these subsections.  
(ORC 4511.99)
- (d) Physical Control.
- (1) As used in this subsection, "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.
  - (2) A. No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:
    1. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
    2. The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (a)(1)B., C., D. or E. hereof.
    3. Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.B. No person under twenty-one years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4)

hereof.

- (3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:
  - A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
  - B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
- (e) Evidence; Tests.
  - (1) A. In any criminal prosecution or juvenile court proceeding for a violation of (a)(1)A. of this section or for any equivalent offense, that is vehicle-related the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.
  - B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this subsection regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section.

The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this section when a person submits to a blood, breath, urine or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this

subsection may refuse to withdraw blood under this subsection, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under subsection (e)(1)B. hereof shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

C. As used in subsection (e)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.

- (2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.
- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of Ohio R.C. 4511.191, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of Ohio R.C. 4511.191, the form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

- (4) A. As used in subsections (e)(4)B. and C. of this section, "national highway

traffic safety administration” means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a), (b) or (d) of this section, of a park district regulation or of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a park district regulation or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine, if a law enforcement officer has administered a field sobriety test to the operator or person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

3. The officer may testify concerning the results of the field sobriety test so administered.
4. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
5. If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C. Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section.

(ORC 4511.19; 4511.194)

(f) Forensic Laboratory Reports.

- (1) Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima- facie

evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

- A. The signature, under oath, of any person who performed the analysis;
  - B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;
  - C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;
  - D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.
- (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (f)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.
- (3) A report of the type described in subsection (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.
- (g) Immunity From Liability For Withdrawing Blood. Except as otherwise provided in this subsection, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this subsection also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this subsection is not available to a person who withdraws blood if the person engaged in willful or wanton misconduct. As used in this subsection, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the

same meanings as in Ohio R.C. 4765.01.

(h) General OVI Penalty.

(1) Whoever violates any provision of subsections (a)(1)A. to I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates subsection (a)(1)J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under Ohio R.C. Chapter 2929, and this Traffic Code, except as otherwise authorized or required by subsections (h)(1)A. to E. of this section:

A. Except as otherwise provided in subsections (h)(1)B., C., D. or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsections (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months. The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under Ohio R.C. 5119.38. The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.
2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a

requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 5119.38. As used in this subsection, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days. The court may require the offender, under a community control sanction imposed under Ohio R.C. 2929.25, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

3. In all cases, a fine of not less than three hundred seventy-five dollars (\$375.00) and not more than one thousand seventy-five dollars (\$1,075).
  4. In all cases, a class five license 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. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.
- B. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) or (b) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months. In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by

Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months. In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.
  3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than five hundred twenty-five dollars (\$525.00) and not more than one thousand six hundred twenty-five dollars (\$1,625).
  4. In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
  5. In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with Ohio R.C. 4503.233 and impoundment of the license plates of that vehicle for ninety days. (ORC 4511.193)
- C. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) or (b) of this section or other

equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.
2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of electronically monitored house arrest with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.
3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than eight hundred fifty dollars (\$850.00) and not more than two thousand seven hundred fifty dollars (\$2,750).
4. In all cases, a class three license 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)(3) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
5. In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with Ohio R.C. 4503.234. Subsection (h)(5) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this subsection.  
(ORC 4511.193)
6. In all cases, the court shall order the offender to participate with a community addiction services provider authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the program shall determine and assess the degree of the

offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

- D. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) or (b) of this section or other equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.
- E. An offender who previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree and shall be prosecuted under appropriate state law.
  - (2) An offender who is convicted of or pleads guilty to a violation of subsection (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of Ohio R.C. 4511.191.
  - (3) If an offender is sentenced to a jail term under subsection (h)(1)B.1. or 2. or (h)(1)C.1. or 2. of this section and if, within sixty days of sentencing of the offender, 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 term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this subsection that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. As an alternative to a mandatory jail term of ten consecutive days required by subsection (h)(1)B.1. of this section, the court, under this subsection, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. As an alternative to the mandatory jail term of twenty consecutive days required by subsection (h)(1)B.2. of this section, the court, under this subsection, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of house arrest with electronic

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

- (4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Ohio R.C. 4503.231.
- (5) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in

accordance with division (C)(2) of that section.

(6) As used in subsection (h) of this section, “electronic monitoring”, “mandatory prison term” and “mandatory term of local incarceration” have the same meanings as in Ohio R.C. 2929.01.

- (i) Vehicle Operation After Underage Alcohol Consumption Penalty. Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:
  - (1) Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender’s driver’s license, commercial driver’s license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02.
  - (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) or (b) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender’s driver’s license, commercial driver’s license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.
  - (3) If the offender also is convicted of or also pleads guilty to a specification of the type described in Ohio R.C. 2941.1414 and if the court imposes a jail term for the violation of subsection (b) of this section, the court shall impose upon the offender an additional definite jail term pursuant to division (E) of Ohio R.C. 2929.24.  
(ORC 4511.19)
- (j) Physical Control Penalty. Whoever violates subsection (d) hereof is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on 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.  
(ORC 4511.194)
- (k) Compliance With Ohio R.C. Chapter 5119 Standards.
  - (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.
  - (2) An offender who stays in a driver’s intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court’s indigent drivers’ alcohol treatment fund.
- (l) Appeal Does Not Stay Operation of License Suspension. If a person whose driver’s or

commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

- (m) Subsection (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:
  - (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
  - (2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
- (n) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (a)(1)J. of this section also apply in a prosecution of a violation of Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.
- (o) Conflict of Terms. All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C. 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C. 4501.01 or this Traffic Code, the term as defined in Ohio R.C. 4510.01 applies to this section.  
(ORC 4511.19)
- (p) Indigent Drivers Alcohol Treatment Fund. Twenty-five dollars (\$25.00) of any fine imposed for a violation of subsection (a) hereof shall be deposited into the park district or county indigent drivers alcohol treatment fund pursuant to Ohio R.C. 4511.193.  
(ORC 4511.193)
- (q) Definitions. As used in this section:
  - (1) "Equivalent offense" means any of the following:
    - A. A violation of division (A) or (B) of Ohio R.C. 4511.19;
    - B. A violation of a park district OVI regulation or a municipal OVI ordinance;
    - C. A violation of Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;
    - D. A violation of division (A)(1) of Ohio R.C. 2903.06 or 2903.08 or a park district regulation or a municipal ordinance that is substantially equivalent to either of those divisions;
    - E. A violation of division (A)(2), (3) or (4) of Ohio R.C. 2903.06, division (A)(2) of Ohio R.C. 2903.08, or former Ohio R.C. 2903.07, or a park district regulation or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;
    - F. A violation of division (A) or (B) of Ohio R.C. 1547.11;
    - G. A violation of a park district regulation or municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters

- of this State while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State 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;
- H. A violation of an existing or former park district regulation or 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 or division (A) or (B) or Ohio R.C. 1547.11;
  - I. A violation of a former law of this State that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19 or division (A) or (B) of Ohio R.C. 1547.11;
- (2) “Mandatory jail term” means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under subsection (h)(1)A., B. or C. upon an offender convicted of a violation of subsection (a) hereof 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 Ohio R.C. 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.
- (3) “Municipal OVI ordinance” and “municipal OVI offense” or “park district OVI regulation” mean any municipal ordinance or park district regulation 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 park district regulation or 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)

### **333.08 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.
- (b) 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 333.02 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.
- (c) No person shall participate in street racing upon any roadway or driveway in this Park District.
- (d) 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)

### **333.09 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.**

- (a) No person shall operate or park a motor vehicle or permit the operation of a motor vehicle upon any park district property knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.
- (b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.
- (c) Whoever violates this section is guilty of a misdemeanor of the second degree.  
(ORC 4503.236)

### **333.10 TEXTING WHILE DRIVING PROHIBITED.**

- (a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.
- (b) Subsection (a) of this section does not apply to any of the following:
  - (1) A person using a handheld electronic wireless communications device in that manner 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 driving a public safety vehicle who uses a handheld electronic wireless

- communications device in that manner in the course of the person's duties;
- (3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;
  - (4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;
  - (5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic or weather alerts; or data used primarily by the motor vehicle;
  - (6) A person receiving wireless messages via radio waves;
  - (7) A person using a device for navigation purposes;
  - (8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;
  - (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
  - (10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.
- (c) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (a) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.
- (d) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (e) A prosecution for a violation of Ohio R.C. 4511.204 does not preclude a prosecution for a violation of a substantially equivalent municipal ordinance based on the same conduct. However, if an offender is convicted of or pleads guilty to a violation of Ohio R.C. 4511.204 and is also convicted of or pleads guilty to a violation of a substantially equivalent municipal ordinance based on the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.
- (f) As used in this section:
- (1) "Electronic wireless communications device" includes any of the following:
    - A. A wireless telephone;
    - B. A text-messaging device;
    - C. A personal digital assistant;
    - D. A computer, including a laptop computer and a computer tablet;
    - E. Any other substantially similar wireless device that is designed or used to

communicate text.

- (2) "Voice-operated or hands-free device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate, or deactivate a feature or function.
- (3) "Write, send or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail. (ORC 4511.204)

## Section 335 – Licensing; Accidents

### **335.01 DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE REQUIRED.**

- (a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a roadway or any property used by the public for purposes of vehicular travel or parking unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.
- (2) No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a roadway or any property used by the public for purposes of vehicular travel or parking unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.
- (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)(1) or (2) of this section may be admitted into evidence as prima-facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of subsection (a)(1) of this section or a valid license as a motorcycle operator either in

the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of subsection (a)(2) of this section. The person charged with a violation of subsection (a)(1) or (2) of this section may offer evidence to rebut this prima-facie evidence.

- (c) Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:
- (1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this subsection, 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 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.
  - (3) 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 park district regulation or municipal ordinance.
- (e) If the offender is sentenced under subsection (c)(3) 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 park district regulation or 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 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 under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.
- (b) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until he surrenders to the Registrar all valid licenses issued to him by another jurisdiction recognized by the State of Ohio. No person shall be permitted to have more than one valid license at any time. (ORC 4507.02)
- (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 park district regulation or 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)

### **335.03 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 roadway or any 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 roadway or any 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 roadway or any 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 not attained the age of

seventeen years shall operate a motor vehicle upon a roadway or any 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 attained the age of seventeen years but has not attained the age of eighteen years shall operate a motor vehicle upon a roadway or any 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)A., subsection (a)(1)A. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of midnight and six a.m. and has in the holder's immediate possession written documentation from the holder's employer.

B. Subsection (a)(1)B. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of one a.m. and five a.m. and has in the holder's immediate possession written documentation from the holder's employer.

(3) An employer 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 provided an employee who is the holder of a probationary driver's license with the written documentation described in subsection (a)(2). The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2), and employers 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 division.

(4) No holder of a probationary driver's license who is less than seventeen years of age shall operate a motor vehicle upon a roadway or any 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. hereof if, at the time of the violation, the holder of the probationary driver's license was traveling to or from an official function sponsored by the school the holder attends, or an emergency existed that required the holder to operate a motor vehicle in violation of subsection (a)(1)A. or B. hereof, or the holder was an emancipated minor.
- (c) (1) A. Except as otherwise provided in subsection (c)(2) hereof, 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 holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a roadway or any property used by the public for purposes of vehicular travel or parking during whichever of the following time periods applies:
1. If, on the date the holder of the probationary driver's license pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving

violation, the holder has not attained the age of sixteen years six months, during the six-month period commencing on that date;

2. If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of sixteen years six months but not seventeen years, until the person attains the age of seventeen years.
  - B. If the holder of a probationary driver's license commits a moving violation during the six-month period after the person is issued the probationary driver's license and before the person attains the age of seventeen years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the person has attained the age of seventeen years, or if the person commits the moving violation during the six-month period after the person is issued the probationary driver's license and after the person attains the age of seventeen years, the holder is not subject to the restriction described in subsection (c)(1)A.1. and 2. hereof unless the court or juvenile court imposes such a restriction upon the holder.
    - (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 occupational or educational driving privileges without being accompanied by the holder's parent or guardian during the period of time specified in that subsection. The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in subsection (c)(1) will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder. In granting the driving privileges, the court shall specify the purposes, times, and places of the privileges and shall issue the person appropriate forms setting forth the privileges granted. Occupational or educational driving privileges under this subsection shall not be granted to the same person more than once. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, any driving privileges previously granted under this subsection are terminated upon the subsequent conviction, plea, or adjudication.
    - (3) No person shall violate subsection (c)(1)A. hereof.
  - (d) No holder of a probationary license shall operate a motor vehicle upon a roadway or any 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 roadway 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 roadway 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:
    - B. A spouse;
    - C. A child or stepchild;
    - D. A parent, stepparent, grandparent, or parent-in-law;
    - E. An aunt or uncle;
    - F. A sibling, whether of the whole or half blood or by adoption, a brother-in-law or a sister-in-law;
    - G. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
    - H. An eligible adult, as defined in Ohio R.C. 4507.05.
  - (3) "Moving violation" means any violation of any statute, park district regulation or municipal ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the roadways, highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent park district regulation or municipal ordinance, or a violation of any statute, park district regulation or municipal 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 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 park district regulation or 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), or (4) 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) or (4) of this section if any of the following applies:
  - (1) Regarding an operator allegedly in the category described in subsection (a)(1) or (3) 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 Park District regulation or 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 Park District

regulation or 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 Park District regulation or 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 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 Park District regulation or municipal ordinance, the offense.

### **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 or upon any property used by the public for purposes of vehicular travel or parking within the Park District 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 roadway or any property used by the public for purposes of vehicular travel or parking within the Park District 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 Park District regulation or 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 Park District regulation or 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 Park District regulation or 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)

### **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 or park district OVI regulation shall operate any motor vehicle upon the public roads within the Park District 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 Park District indigent drivers alcohol treatment fund under the control of that court, as created by the county or Park District 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 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. (ORC 4510.14)

- (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 Park District regulation or 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 Park District regulation or 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 Park District regulation or 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 Park District regulation or 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 park district regulation or 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.**

- (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 the Park District, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Park District, 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 the Park District, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Park District, 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 Park District 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 subsections (d) to (i) of this section. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsections (d) to (i) of this section.
  - (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 Park District regulation or municipal ordinance, the offense is a misdemeanor of the fourth degree. (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 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. Any person who 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 roadway or any 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 Park District regulation or 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 roadway or any public property used by the public for purposes of vehicular travel or parking in this Park District whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 4510.22.
- (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) 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) or (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.
- (c) Whoever violates subsection (a) or (b) of this section is guilty of driving under suspension and shall be punished as provided in subsection (d) 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 Park District regulation or municipal ordinance, the offense is a misdemeanor of the fourth degree. (ORC 4510.111)

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

- (a) No person shall do any of the following:
  - (1) Operate in the Park District 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 the Park District 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 the Park District 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.**

- (a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, motorized

bicycle, manufactured home, mobile home, trailer or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker on the rear license plate. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued one license plate and one validation sticker, which license plate and validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

- (b) No person to whom a temporary license placard or windshield sticker 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 license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4503.21)

### **335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.**

- (a) No person who is the owner of a motor vehicle which is parked or operated within the Park District 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 within the Park District 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 within the Park District, 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 within the Park District upon which is displayed an expired license plate or an expired validation sticker.
- (e) No person shall park or operate any vehicle within the Park District 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 misdemeanor of the fourth degree.  
(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 within the Park District 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 within the Park District 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 within the Park District, 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 within the Park District.
- (d) Whoever violates subsection (c) of this section is guilty of a misdemeanor of the fourth degree. (ORC 4503.12)

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

- (a) In case of accident to or collision with persons or property upon any roadway, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, immediately shall stop the driver's or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of the accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or 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 any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or to any law enforcement officer at the scene of the accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in the accident or collision forthwith shall notify the nearest law enforcement authority concerning the location of the accident or collision, and the driver's name, address and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a ranger arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

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) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate state law.

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) In case of accident or collision resulting in injury or damage to persons or property upon any property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor

vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person the driver's or operator's name and address, and, if the driver or 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 driver's or operator's driver's or commercial driver's license.

If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within twenty- four hours after the accident or collision, shall forward to Ranger Headquarters the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.

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) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate state law.

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 park district property, or personal property attached to park district property, legally upon or

adjacent to a roadway immediately shall stop and take reasonable steps to locate and notify a park district employee 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 a park district employee 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 Ranger Headquarters the same information required above 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)

## Section 337 – Safety and Equipment

### **337.01 DRIVING UNSAFE VEHICLES.**

- (a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any roadway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.
- (b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.
- (c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery.
- (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

### **337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.**

- (a) Every vehicle, other than a motorized bicycle, operated upon a roadway shall display lighted lights and illuminating devices as required by this chapter during all of the

following times:

- (1) The time from sunset to sunrise;
  - (2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the roadway are not discernible at a distance of one thousand feet ahead;
  - (3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.
  - (4) Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a roadway using only parking lights as illumination.
- (b) Whenever in this chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted roadway under normal atmospheric conditions unless a different condition is expressly stated.
  - (c) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.
  - (d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a roadway to stop the vehicle solely because the officer observes that a violation of subsection (a)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that subsection, or causing the arrest of or commencing a prosecution of a person for a violation of that subsection.
  - (e) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.03)

### **337.03 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.**

- (a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.
- (b) Every motorcycle shall be equipped with at least one and not more than two headlights.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.04)

### **337.04 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.**

- (a) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.
- (b) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate

is required, and render it legible from a distance of fifty feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.05)

### **337.05 REAR RED REFLECTORS.**

- (a) Every new motor vehicle sold after September 6, 1941, and operated on a street, other than vehicles of the type mentioned in Section 337.06 or a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lights or separately, two red reflectors of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to fifty feet from such vehicle.

- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.06)

### **337.06 SAFETY LIGHTING ON COMMERCIAL VEHICLES.**

- (a) Buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any roadway, shall be equipped with clearance lights, marker lights, reflectors and stop lights as required by State regulations. Such equipment shall be lighted at all times mentioned in Section 337.02 except that clearance lights and side marker lights need not be lighted on a vehicle operated where there is sufficient light to reveal any person or substantial object on the street at a distance of 500 feet.

Such equipment shall be in addition to all other lights specifically required by Section 337.02 to Section 337.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.07)

### **337.07 OBSCURED LIGHTS ON VEHICLES IN COMBINATION.**

- (a) Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.
- (b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.08)

### **337.08 RED LIGHT OR RED FLAG ON EXTENDED LOADS.**

- (a) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 337.02, a red light or lantern plainly visible from a distance of at least 500 feet to the side and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.09)

### **337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.**

- (a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 337.02, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed. (ORC 4513.10)
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

### **337.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED.**

- (a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in Section 337.01(c), not specifically required to be equipped with lights or other lighting devices by Section 337.02 to 337.09, shall at all times specified in Section 337.02, be equipped with at least one light displaying a white light visible from a distance of not less than  
  
1,000 feet to the front of the vehicle, and also shall be equipped with two lights displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one light displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlights.

Lights and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

- (b) All boat trailers, and other machinery, including all road construction machinery,

upon a roadway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, or the Park District or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

- (c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in subsection (b) hereof operating or traveling within the limits of the roadway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the roadway is prohibited.
- (d) No person shall sell, lease, rent or operate any boat trailer or machinery defined as a slow-moving vehicle in subsection (b) hereof, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in subsection (b) hereof.
- (e) Any boat trailer or machinery defined as a slow-moving vehicle in subsection (b) of this section, in addition to the use of the slow-moving vehicle emblem, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in Section 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.
- (f) Every animal-drawn vehicle upon a roadway shall at all times be equipped in one of the following ways:
  - (1) With a slow-moving vehicle emblem complying with subsection (b) hereof;
  - (2) With alternate reflective material complying with rules adopted under this subsection (f);
  - (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Public Safety, subject to Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (f). The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible at all times specified in Section 337.02, from a distance

of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

- (g) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.
- (h) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a roadway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
- (i) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.11)

### **337.11 SPOTLIGHT AND AUXILIARY LIGHTS.**

- (a) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.
- (b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.12)

### **337.12 COWL, FENDER AND BACK-UP LIGHTS.**

- (a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.
- (b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.13)

### **337.13 DISPLAY OF LIGHTED LIGHTS.**

- (a) At all times mentioned in Section 337.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(ORC 4513.14)

- (b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.14)

#### **337.14 USE OF HEADLIGHT BEAMS.**

- (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 337.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.15)

#### **337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.**

- (a) Any motor vehicle may be operated under the conditions specified in Section 337.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 337.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.16)

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

- (a) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a roadway.
- (b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.
- (c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, Ohio Department of

Transportation maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a roadway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.

- (d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right of way of any roadway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right of way of any roadway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.
- (e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility.
- (f) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.17)

### **337.17 FOCUS AND AIM OF HEADLIGHTS.**

- (a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.19)

### **337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.**

- (a) The following requirements govern as to brake equipment on vehicles:
  - (1) Every motor vehicle, other than a motorcycle, when operated upon a roadway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
  - (2) Every motorcycle, when operated upon a roadway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

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

all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

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

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

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

**337.19 HORN, SIREN AND THEFT ALARM SIGNAL.**

- (a) Every motor vehicle when operated upon a roadway shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.
- (b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.
- (c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.
- (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.21)

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

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

motorcycle muffler shall be equipped with baffle plates.

- (b) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.22)

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

- (a) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the roadway to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.23)

### **337.22 WINDSHIELD AND WINDSHIELD WIPER; SIGN OR POSTER THEREON.**

- (a) No person shall drive any motor vehicle on a roadway, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.
- (b) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.
  - (2) Subsection (b)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:
    - A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.
    - B. It does not conceal the vehicle identification number.
  - (3) Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

- A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.
  - B. It is mounted not more than six inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.
- (c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.
- (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.24)

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

- (a) No passenger-type vehicle shall be operated on a roadway with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

**337.24 AIR CLEANER REQUIRED.**

- (a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.
- (b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.
- (c) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

**337.25 USE OF STUDED TIRES AND CHAINS.**

- (a) For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire. "Motor vehicle," "roadway," "public safety vehicle" and "school bus" have the same meanings as given those terms in Chapter 301.
- (b) (1) Except as provided in subsection (b)(2) hereof, no person shall operate any motor vehicle, other than a public safety vehicle or bus, that is equipped with studded tires on any roadway, except during the period extending from November 1 of each year through April 15 of the succeeding year.
- (2) A person may operate a motor vehicle that is equipped with retractable studded tires with the studs retracted at any time of the year, but shall operate the motor vehicle with the studs extended only as provided in subsection (b)(1) hereof.

- (c) This section does not apply to the use of tire chains when there is snow or ice on the roadways where such chains are being used, or the immediate vicinity thereof. (ORC 5589.081)
- (d) Whoever violates this section is guilty of a minor misdemeanor.(ORC 5589.99)

### **337.26 CHILD RESTRAINT SYSTEM USAGE.**

- (a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:
  - (1) A child who is less than four years of age;
  - (2) A child who weighs less than forty pounds.
- (b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:
  - (1) A child who is less than four years of age;
  - (2) A child who weighs less than forty pounds.
- (c) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.
- (d) When any child who is at least eight years of age but not older than fifteen years of age and who is not otherwise required by subsection (a), (b) or (c) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.
- (e) Notwithstanding any provision of law to the contrary, no law enforcement officer

shall cause an operator of a motor vehicle being operated on any roadway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of subsection (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any roadway may not be used for the purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed.

- (f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.
- (g) The failure of an operator of a motor vehicle to secure a child in a child restraint system or in an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.
- (h) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.
- (i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.
- (j) Whoever violates subsection (a), (b) or (c) of this section shall be punished as follows:
  - (1) Except as otherwise provided in subsection (h)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00).
  - (2) If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.81(A), (B) or (C) or of a municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree. (ORC 4511.81)

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

- (a) As used in this section:
  - (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle

Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

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

hereof has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any roadway for the sole purpose of determining whether a violation of that nature has been or is being committed.

- (e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.
- (f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.  
(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
  - A. It seeks to recover damages for injury or death to the occupant.
  - B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.
  - C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars (\$30.00).  
(2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars (\$20.00).  
(3) Except as otherwise provided in this subsection, whoever violates subsection

(b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree. (ORC 4513.263)

### **337.28 DIRECTIONAL SIGNALS REQUIRED.**

- (a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.  
(2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.
- (b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.
- (c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.
- (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.261)

### **337.29 MOTOR VEHICLE STOP LIGHTS.**

- (a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a roadway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

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

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

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

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

# Section 339 – Commercial and Heavy Vehicles

## **339.01 USE OF ROADWAYS; PERMIT AND CONDITIONS.**

- (a) No person shall operate a vehicle, except for school buses, exceeding a height of thirteen feet six inches, width of 102 inches, a gross weight of five tons, whether loaded or empty, or tow another vehicle over the roadways other than for the purpose of providing services upon any roadway except when such operation is necessary to load or unload property or to perform any other legitimate business or act other than passage through the Park District, except as authorized by permit, or otherwise provided in Section 339.02.
- (b) The Park District may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Park District deems advisable, or for the duration of any construction project. The Park District may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Park District may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.
- (c) This section does not apply to public safety vehicles or other vehicles or apparatus belonging to the Park District.
- (d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense or subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

## **339.02 TRANSPORTING PERSONS.**

- (a) Buses, trailers and semitrailers, and other vehicles which are designed to carry passengers may transport persons to and from picnic areas. All loading and unloading shall be accomplished in the parking areas unless a ranger provides otherwise.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

## **339.03 TOWING REQUIREMENTS.**

- (a) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

- (b) When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.
- (c) In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.
- (d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R.C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a roadway at a speed of twenty-five miles per hour or less, and vehicles designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a roadway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time, unless the towing vehicle is an agricultural tractor. (ORC 4513.32)
- (e) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

## Section 341 – Commercial Drivers

### 341.01 DEFINITIONS.

As used in this chapter:

- (a) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:
  - (1) One hundred milliliters of whole blood, blood serum, or blood plasma;
  - (2) Two hundred ten liters of breath;
  - (3) One hundred milliliters of urine.
- (b) "Commercial driver's license" means a license issued in accordance with Ohio R.C.

Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.

- (c) "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
  - (1) Any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
  - (2) Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of 10,000 pounds;
  - (3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;
  - (4) Any school bus with a gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than sixteen passengers including the driver;
  - (5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;
  - (6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.
- (d) "Controlled substance" means all of the following:
  - (1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;
  - (2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;
  - (3) Any drug of abuse.
- (e) "Disqualification" means any of the following:
  - (1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;
  - (2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;
  - (3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.
- (f) "Drive" means to drive, operate or be in physical control of a motor vehicle.
- (g) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.
- (h) "Driver's license" means a license issued by the Ohio Bureau of Motor Vehicles that authorizes an individual to drive.
- (i) "Drug of abuse" means any controlled substance, dangerous drug as defined in Ohio R.C. 4729.01 or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or

reflexes.

- (j) "Employer" means any person, including the Federal Government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.
- (k) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.
- (l) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this subsection and is not used in the operations of a motor transportation company or private motor carrier, as defined in Ohio R.C. 4923.01.
- (m) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of a death.
- (n) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this State, regardless of the penalty that may be imposed.
- (o) "Foreign jurisdiction" means any jurisdiction other than a state.
- (p) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.
- (q) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.
- (r) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on roadways, except that such term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.
- (s) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that a driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.
- (t) "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of Ohio R.C. 4511.01.
- (u) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in Ohio R.C. 4501.01 and is used exclusively for purposes other than engaging in

business for profit.

- (v) "School bus" has the same meaning as in Ohio R.C. 4511.01.
- (w) "State" means a state of the United States and includes the District of Columbia.
- (x) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to Ohio R.C. 4506.09.
- (y) "United States" means the fifty states and the District of Columbia.
- (z) "Vehicle" has the same meaning as in Ohio R.C. 4511.01. (ORC 4506.01)

### **341.02 PREREQUISITES TO OPERATION OF A COMMERCIAL MOTOR VEHICLE.**

- (a) Except as provided in subsections (b) and (c) of this section, the following shall apply:
  - (1) No person shall drive a commercial motor vehicle on a roadway in the Park District unless the person holds, and has in the person's possession, a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles, a valid examiner's commercial driving permit issued under Ohio R.C. 4506.13, a valid restricted commercial driver's license and waiver for farm-related service industries issued under Ohio R.C. 4506.24, or a valid commercial driver's license temporary instruction permit issued by the Registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.
  - (2) No person who has been a resident of this State for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.
- (b) Nothing in subsection (a) of this section applies to any qualified person when engaged in the operation of any of the following:
  - (1) A farm truck;
  - (2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;
  - (3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;
  - (4) A recreational vehicle;
  - (5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under Ohio R.C. Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;
  - (6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including

the Ohio national guard. This exception does not apply to United States reserved technicians.

- (7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to Ohio R.C. Chapter 4905, 4921, or 4923.
- (8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise.
- (9) A law enforcement SWAT team vehicle.
- (10) A law enforcement vehicle used to transport prisoners.
- (c) Nothing contained in subsection (b)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this State concerning the safe operation of commercial motor vehicles.
- (d) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.03)

### **341.03 PROHIBITIONS.**

- (a) No person shall do any of the following:
  - (1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this State, any other state or by a foreign jurisdiction;
  - (2) Drive a commercial motor vehicle on a roadway in the Park District in violation of an out-of-service order, while the person's driving privilege is suspended, revoked or canceled, or while the person is subject to disqualification;
  - (3) Drive a motor vehicle on a roadway in the Park District under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this State for thirty days or longer.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.(ORC 4506.04)

### **341.04 CRIMINAL OFFENSES.**

- (a) No person who holds a commercial driver's license or operates a motor vehicle for which a commercial driver's license is required shall do any of the following:
  - (1) Drive a commercial motor vehicle while having a measureable or detectable amount of alcohol or of a controlled substance in the person's blood, breath or urine;
  - (2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;
  - (3) Drive a commercial motor vehicle while having an alcohol concentration of forty-

- eight-thousandths of one per cent or more by blood serum or blood plasma;
- (4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;
  - (5) Drive a motor vehicle while under the influence of a controlled substance;
  - (6) Drive a motor vehicle in violation of Ohio R.C. 4511.19 or a municipal OVI ordinance as defined in Ohio R.C. 4511.181;
  - (7) Use a motor vehicle in the commission of a felony;
  - (8) Refuse to submit to a test under Ohio R.C. 4506.17 or 4511.191;
  - (9) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;
  - (10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;
  - (11) Fail to stop after an accident in violation of Sections 335.12 to 335.14;
  - (12) Drive a commercial motor vehicle in violation of any provision of Ohio R.C. 4511.61 to 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;
  - (13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in Ohio R.C. 3719.01 or the possession with intent to manufacture, distribute, or dispose a controlled substance.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.15)

### **341.05 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.**

- (a) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:
  - (1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;
  - (2) The dates the applicant was employed by these employers;
  - (3) The reason for leaving each of these employers.
- (b) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:
  - (1) The driver's commercial driver's license is suspended, revoked or canceled by any state or a foreign jurisdiction;
  - (2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;
  - (3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction;

- (4) The driver has more than one driver's license.
- (c) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of Section 341.04.
- (d) Whoever violates subsection (c) of this section may be assessed a fine not to exceed ten thousand dollars. (ORC 4506.20)

## Section 351 – Parking Generally

### **351.01 RANGER MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.**

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

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

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

### **351.03 PROHIBITED STANDING OR PARKING PLACES.**

- (a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a ranger or a traffic control device, in any of the following places:
  - (1) On a sidewalk or trail;
  - (2) In front of a public or private driveway;
  - (3) Within an intersection;
  - (4) Within ten feet of a fire hydrant;
  - (5) On a crosswalk;
  - (6) Within twenty feet of a crosswalk at an intersection;
  - (7) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
  - (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;

- (9) Within fifty feet of the nearest rail of a railroad crossing;
  - (10) On any sod or other surface not specifically designated as a parking area;
  - (11) Alongside or opposite any roadway excavation or obstruction when such standing or parking would obstruct traffic;
  - (12) Alongside any vehicle stopped or parked at the edge or curb of a roadway;
  - (13) Upon any bridge or other elevated structure upon a roadway, or within a roadway tunnel;
  - (14) At any place where signs prohibit stopping, standing or parking or at any place in excess of the maximum time limited by signs;
  - (15) Within one foot of another parked vehicle;
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.68)

#### **351.04 PARKING DIRECTIONS; HANDICAPPED LOCATIONS.**

- (a) (1) A. Except as provided in subsection (d)(2) hereof, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.
- B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.
- (2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in subsection (c)(2) of this section irrespective of whether or not the space is metered.
- (b) Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a roadway, may stop, stand or park where necessary in order to perform such work, provided a flag person is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.
- (c) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated at all parking areas. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (C) shall be mounted on a

fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

- (d) (1) No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (c) hereof, or at special clearly marked parking locations, parking garages, or other parking areas and designated in accordance with subsection (c) hereof, unless one of the following applies:
  - A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;
  - B. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.
- (2) Any motor vehicle that is parked in a special marked parking location in violation of subsection (d)(1) of this section may be towed or otherwise removed from the parking location by the Ranger Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed for towing and storing motor vehicles.
- (3) If a person is charged with a violation of subsection (d)(1) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).
- (e) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where park regulations provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.
- (f) As used in this section:
  - (1) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping

condition.

- (2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.
  - (3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.
- (g) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) A. Whoever violates subsection (d)(1)A. or B. of this section is guilty of a misdemeanor and shall be punished as provided in subsection (g)(2)A. and B. of this section. Except as otherwise provided in subsection (g)(2)A. of this section, an offender who violates subsection (d)(1)A. or B. of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). An offender who violates subsection (d)(1)A. or B. of this section shall be fined not more than one hundred dollars (\$100.00) if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:
- 1. At the time of the violation of subsection (d)(1)A. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in subsection (d)(1)A. of this section.
  - 2. At the time of the violation of subsection (d)(1)B. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in subsection (d)(1)B. of this section.
- B. In no case shall an offender who violates subsection (d)(1)A. or B. of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of subsection (d)(1)A. or B. of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 4511.69)

### **351.05 UNATTENDED VEHICLE: DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.**

- (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the roadway.

The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.661)

#### **351.06 MANNER OF ANGLE PARKING.**

- (a) Upon roadways where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

#### **351.07 OPENING VEHICLE DOOR ON TRAFFIC SIDE.**

- (a) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.70(C), (D))

## **Section 371 – Pedestrians**

#### **371.01 RIGHT OF WAY IN CROSSWALK.**

- (a) When traffic control signals are not in place, not in operation or are not clearly assigning the right of way, the driver of a vehicle shall yield the right of way, slowing

down or stopping if need be to so yield or if required by Section 313.07, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

- (b) No pedestrian shall suddenly leave a place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (c) Subsection (a) hereof does not apply under the conditions stated in Section 371.03(b).
- (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.
- (e) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.46)

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

- (a) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.
- (b) The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominately white or metallic in color, with or without a red tip.
- (c) No person, other than a blind person, while on any public roadway shall carry a white metallic cane, with or without a red tip.
- (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. (ORC 4511.47)

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

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of

- way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.
  - (c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
  - (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.
  - (e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.
  - (f) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.48)

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

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

#### **371.05 WALKING ALONG ROADWAYS.**

- (a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.
- (b) Where a sidewalk is not available, any pedestrian walking along and upon a roadway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
- (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a roadway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
- (d) Except as otherwise provided in Section 313.02 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.
- (e) Except as otherwise provided in this subsection, whoever violates this section is guilty

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

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

- (a) No person while on a roadway shall solicit a ride from the driver of any vehicle.
- (b) Except as authorized by permit, no person shall stand on a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (c) No person shall hang onto, or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized roadway maintenance or construction under authority of a public agency.
- (d) No operator shall knowingly permit any person to hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized roadway maintenance or construction under authority of a public agency.
- (e) No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five miles per hour, unless either of the following applies:
  - (1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in Ohio R.C. 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;
  - (2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.
- (f) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized roadway maintenance or construction under authority of a public agency to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.
- (g) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates subsection (e) or (f) of this section is guilty of a minor misdemeanor. (ORC 4511.51)

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

- (a) The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk or trail.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.441)

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

- (a) Upon the immediate approach of a public safety vehicle as stated in Section 331.18, every pedestrian shall yield the right of way to the public safety vehicle.
- (b) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.
- (c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.452)

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

- (a) A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a roadway.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.481)

### **371.10 PERSONS OPERATING MOTORIZED WHEELCHAIRS.**

- (a) Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this Traffic Code, except those provisions which by their nature can have no application. (ORC 4511.491)
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.99)

### **371.11 USE OF WHEELCHAIR, MOTORIZED WHEELCHAIR AND OPDMD.**

- (a)
  - (1) Individuals with mobility disabilities are permitted to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.
  - (2) No person shall operate a motorized wheelchair or other power-driven mobility device (OPDMD) except in accordance with Stark County Park District Trail Manual Policies which incorporate the following Department of Justice standards:
    - A. The type, size, weight, dimensions, and speed of the device;
    - B. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
    - C. The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
    - D. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
    - E. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.
  - (3) Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to a motorized wheelchair or OPDMD apply to the device and the person operating it whenever it is operated upon any roadway, all purpose trail, trail or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (b) No operator of a motorized wheelchair or OPDMD shall do any of the following:
  - (1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;
  - (2) Fail to give an audible signal before overtaking and passing a pedestrian;
  - (3) Operate the device at night unless the device or its operator is equipped with or

wearing both of the following:

- A. A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;
  - 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 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;
  - (5) 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;
  - (6) 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) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000.00) for each subsequent offense. (ORC 1545.99)

## Section 373 – Bicycles and Motorcycles

### 373.01 CODE APPLICATION TO BICYCLES.

- (a) Bicycles and electric bicycles are only permitted upon roadways, multi-purpose trails, and other paths designated for the use of bicycles, and the provisions of this Traffic Code which are applicable to bicycles shall then apply whenever a bicycle is operated.
- (b) Except as provided in subsection (d) of this section, a bicycle or electric bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles or electric bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or electric bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.
- (c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle **or** electric bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle or electric bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle or electric

bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

- (d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)
- (e) The provisions of this Traffic Code shall apply to bicycles and electric bicycles except those which by their nature are not applicable.

### **373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.**

- (a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.
- (b) No person operating a bicycle or electric bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle or electric bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.
- (c) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.
- (d) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.
- (e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.
- (f) No person operating a bicycle or electric bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.
- (g) No bicycle or electric bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.
- (h) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.
- (i) (1) No person shall operate a motorcycle with a valid temporary permit and

temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that conforms with rules adopted by the Director of Public Safety.

(2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:

- A. At any time when lighted lights are required by Section 337.02(a)(1);
  - B. While carrying a passenger;
  - C. On any limited access roadway.
- (j) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.
- (k) 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 4511.53)

### **373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.**

- (a) No person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or self to any vehicle upon a roadway.
- (b) No operator shall knowingly permit any person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.
- (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 4511.54)

### **373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.**

- (a) Persons riding bicycles, electric bicycle or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.55)

### **373.05 SIGNAL DEVICE ON BICYCLE.**

- (a) A bicycle or electric bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

### **373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.**

- (a) Every bicycle or electric bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:
  - (1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle or electric bicycle is moving may be used to meet this requirement.
  - (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
  - (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.
- (b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle or electric bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle or electric bicycle.

- (c) Every bicycle or electric bicycle shall be equipped with an adequate brake.
- (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. (ORC 4511.56)

**373.07 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.**

- (a) Every person operating a bicycle or electric bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) This section does not require a person operating a bicycle or electric bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.
- (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 4511.55(A))

**373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.**

- (a) No person shall operate a bicycle or electric bicycle:
  - (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the roadways or any other property;
  - (2) Without exercising reasonable and ordinary control over such bicycle;
  - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
  - (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);
  - (5) At a speed greater than is reasonable and prudent under the conditions then existing.
  - (6) No person shall operate a bicycle or electric bicycle at a speed greater or less

than is reasonable or proper, having due regard to the traffic, surface and width of the roadway and any other conditions, and no person shall drive any bicycle or electric bicycle in and upon any roadway or trail at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(7) It is prima-facie lawful for the operator of a bicycle or electric bicycle to operate the same at a speed not exceeding the following:

3. Fifteen miles per hour (15 MPH) in all parking lots, parking areas, trailheads, parks and trails.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 1545.99)

### **373.09 PARKING OF BICYCLE.**

(a) No person shall park a bicycle or electric bicycle so as to unduly interfere with pedestrian traffic or vehicular traffic.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 1545.99)

### **373.10 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.**

(a) No person shall operate a motorized bicycle upon any roadway or any property used for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506, or a driver's license issued under Ohio R.C. Chapter 4507, or a valid motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in Ohio R.C. 4511.521;

(2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;

(3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror;

- (4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles; and
  - (5) The motorized bicycle displays on the rear of such bicycle the current license plate or validation sticker furnished by the Ohio Director of Public Safety under Ohio R.C. 4503.191.
- (b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.
  - (c) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.
  - (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.521)

### **373.11 OPERATION OF ELECTRIC BICYCLES**

- (a) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on a natural surface trail, mountain bike trail or bridle trail.
- (b) No person shall operate a class 2 or class 3 electric bicycle on any park property.
- (c) Class 1 electric bicycles are permitted on multi-purpose trails only, provided they comply with the regulations set forth in section 373.08.
- (d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 1545.99)

## **Section 375 – Snowmobiles**

### **375.01 DEFINITIONS.**

As used in this chapter:

- (a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (ORC 4519.01(A))
- (b) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile, or other right to the possession thereof. (ORC 4519.01(C))
- (c) "Operator" means any person who operates or is in actual physical control of a snowmobile. (ORC 4519.01)

### **375.02 OPERATION PROHIBITED.**

- (a) No person shall operate a snowmobile in any area of the park.

- (b) Except as otherwise provided in this subsection, whoever violates subsection (a) of this section shall be fined not more than one hundred dollars (\$100.00). If the offender within the preceding year previously has committed a violation of subsection (a) of this section, whoever violates subsection (a) of this section shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000), imprisoned not more than three days, or both. (ORC 4519.20)

### **375.03 REGISTRATION OF VEHICLES.**

- (a) Except as provided in Ohio R.C 4519.02(B), (C) and (D), no person shall operate any snowmobile unless the snowmobile is registered and numbered in accordance with Ohio R.C. 4519.03 and 4519.04.
- (b) Except as otherwise provided in this subsection, whoever violates subsection (a) of this section shall be fined not more than fifty dollars (\$50.00). If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) of this section, whoever violates subsection (a) of this section shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). (ORC 4519.02)

### **375.04 EQUIPMENT.**

- (a) Equipment of snowmobiles shall include, but not necessarily be limited to requirements for the following items:
  - (1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;
  - (2) At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;
  - (3) Adequate brakes. Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial steady speed of twenty miles per hour, or locking its traction belt.
  - (4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed eighty- two decibels on the "A" scale at fifty feet as measured according to SAE J192 (September 1970).
- (b) No person shall operate any snowmobile in violation of this section, except that equipment specified in subsections (a)(1) and (2) hereof shall not be required on snowmobiles operated during the daylight hours.
- (c) Except as otherwise provided in this subsection, whoever violates subsection (b) of this section shall be fined not more than one hundred dollars (\$100.00). If the offender within the preceding year previously has committed a violation of

subsection (b) of this section, whoever violates subsection (b) of this section shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000), imprisoned not more than three days, or both. (ORC 4519.20)

### **375.05 LICENSING REQUIREMENTS OF OPERATOR.**

- (a) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4506 or 4507, shall operate a snowmobile.
- (b) No person who is less than sixteen years of age shall operate a snowmobile on any land unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in subsection (a) hereof.
- (c) Whoever violates this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisoned not less than three nor more than thirty days, or both. (ORC 4519.44)

### **375.06 ACCIDENT REPORTS.**

- (a) The operator of a snowmobile involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of one hundred dollars (\$100.00) shall report the accident within forty-eight hours to the Ranger Department, and, within thirty days, shall forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event that there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.
- (b) Any ranger or other person authorized by Ohio R.C. 4519.42 and 4519.43, who investigates or receives information of an accident involving a snowmobile shall forward to the Registrar a written report of the accident within forty-eight hours. (ORC 4519.46)
- (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.

## **Section 381 – Watercraft**

### **381.01 DEFINITIONS.**

- (a) As used in this chapter, "watercraft" means any of the following when used or capable of being used for transportation on the water:
- (1) A vessel operated by machinery either permanently or temporarily affixed;
  - (2) A sailboat other than a sailboard;
  - (3) An inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard;
  - (4) A canoe or row boat.
  - (5) "Watercraft" does not include ferries as referred to in Ohio R.C. Chapter 4583.
  - (6) Watercraft subject to Ohio R.C. 1547.54 shall be divided into five classes as follows:
    - Class A: Less than sixteen feet in length;
    - Class 1: At least sixteen feet, but less than twenty-six feet in length;
    - Class 2: At least twenty-six feet, but less than forty feet in length;
    - Class 3: At least forty feet, but less than sixty-five feet in length;
    - Class 4: At least sixty-five feet in length.
- (b) As used in the Park District Regulations:
- (1) "Vessel" includes every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.
  - (2) "Rowboat" means any vessel designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.
  - (3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.
    - A. Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.
    - B. Any sailboat equipped with detachable motor is deemed a sailboat with auxiliary power.
    - C. Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.
  - (4) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.
  - (5) "Person" includes any legal entity defined as a person in Ohio R.C. 1.59 and any body politic, except the United States and this State, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.
  - (6) "Owner" includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to that possession.
  - (7) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor on the waters in the Park District.
  - (8) "Visible" means visible on a dark night with clear atmosphere.
  - (9) "Waters of Stark County Park District" means any waters within the jurisdiction

of the Park District in which any watercraft is or may be operated.

- (10) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this Park District.
- (11) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.
- (12) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort and includes kayaks.
- (13) "Coast Guard approved" means bearing an approval number assigned by the United States Coast Guard.
- (14) "Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy.
- (15) "Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.
- (16) "Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.
- (17) "Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy.
- (18) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States Coast Guard, including, without limitation, all of the following:
  - A. The approval label on the type five personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use;
  - B. The personal flotation device is used in accordance with any requirements on the approval label;
  - C. The personal flotation device is used in accordance with requirements in its owner's manual if the approval label refers to such a manual.
- (19) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and shall be registered by length.
- (20) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.
- (21) "Diver's flag" means a red flag not less than one foot square having a diagonal

white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

- (22) "Muffler" means an acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.
  - (23) "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.
  - (24) "Personal watercraft" means a vessel, less than sixteen feet in length, that is propelled by machinery and designed to be operated by an individual sitting, standing, or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.
  - (25) "No wake" has the same meaning as "idle speed. "
  - (26) "Park District" means the entire territorial limits of the Stark County Park District, Ohio.
- (c) Unless otherwise provided, this chapter applies to all vessels operating on the waters in this Park District. Nothing in this chapter shall be construed in contravention of any valid federal act or rule, but is in addition to the act or rule where not inconsistent.  
(ORC 1547.01)

#### **381.02 FLASHING LIGHTS PROHIBITED; EXCEPTIONS.**

- (a) No person shall install or use any intermittently flashing light of any type or color on any vessel in use or operation on the waters in this Park District, except in accordance with federal law.
- (b) No person shall operate or permit to be operated any vessel on the waters in this Park District in violation of this section.
- (c) Whoever violates this section is guilty of minor misdemeanor.  
(ORC 1547.03)

#### **381.03 SIREN PROHIBITED; EXCEPTIONS.**

- (a) No person, except an authorized watercraft representative of the federal government, the state, or any of its political subdivisions shall use or operate a siren on the waters in the Park District except for emergency purposes.
- (b) No person shall operate or permit to be operated any vessel on the waters in the Park District in violation of this section.
- (c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 1547.04)

#### **381.04 VESSELS TO CARRY LIGHTS.**

- (a) All vessels shall, in all weather from sunset to sunrise and at any other time when there is restricted visibility, carry and exhibit lights as required by Rules 1501:47-2-20 to 1501:47- 2-31 of the Ohio Administrative Code when underway, and during such

time no other lights which may be mistaken for those prescribed, shall be exhibited.

- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000.00) for each subsequent offense.  
(ORC 1545.99)

### **381.05 COMPLETING BOATING COURSE AS PREREQUISITE TO LICENSING.**

- (a) No person born on or after January 1, 1982, shall operate on the waters in this Park District a powercraft powered by more than ten horsepower, unless the operator successfully has completed either a safe boater course approved by the national association of state boating law administrators or a proctored or non-proctored proficiency examination that tests knowledge of information included in the curriculum of such a course, and has received a certificate as evidence of successful completion of the course or examination.
- (b) No person shall permit a powercraft to be operated on the waters in this Park District in violation of this section.
- (c) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. (ORC 1547.05)
- (d) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.  
(ORC 1547.05)

### **381.051 PRESENTING PROOF OF LICENSE.**

- (a) A person born on or after January 1, 1982, who is operating on the waters in this Park District a powercraft powered by more than ten horsepower and who is stopped by a ranger in the enforcement of this Chapter shall present to the ranger a certificate obtained by the person pursuant to Section 381.05 or proof of holding such a certificate no later than seventy-two hours after being stopped. Failure of the person to present the certificate or proof of holding it within seventy-two hours constitutes prima-facie evidence of a violation of Section 381.05.
- (b) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. (ORC 1547.051)
- (c) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. (ORC 1547.051)

### **381.052 POWERCRAFT RENTALS.**

- (a) No rental business shall lease, hire, or rent a powercraft powered by more than ten horsepower for operation on the waters in this state to a person born on or after January 1, 1982, unless the person meets one of the following requirements:
  - (1) The person signs a statement on the rental agreement or attached to the rental agreement that the person has successfully completed a safe boater course approved by the national association of state boating law administrators or has

successfully completed a proficiency examination as provided in Section 1547.05 of the Ohio Revised Code or Section 381.05.

- (2) The person receives educational materials from the rental business and successfully passes, with a score of ninety per cent or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination shall be indicated on or attached to the powercraft rental agreement.
- (b) Any person born on or after January 1, 1982, operating or supervising the operation of a leased, hired, or rented powercraft shall:
  - (1) Meet the requirements for boater education of subsection (a) of this section.
  - (2) Be named as an operator on the agreement that leases, hires, or rents the powercraft.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.052)

### **381.06 OPERATOR OF VESSEL TO MAINTAIN CONTROL.**

- (a) Every vessel shall at all times proceed at a safe speed so that it can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.
- (b) In determining a safe speed the following factors shall be among those taken into account:
  - (1) By all vessels:
    - A. The state of visibility.
    - B. The traffic density including concentration of fishing vessels or any other vessels.
    - C. The maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions.
    - D. At night the presence of background light such as from shore lights or from back scatter of its own lights.
    - E. The state of wind, sea, and current, and the proximity of navigational hazards.
    - F. The draft in relation to the available depth of water.
  - (2) Additionally, by vessels with operational radar:
    - A. The characteristics, efficiency and limitations of the radar equipment.
    - B. Any constraints imposed by the radar range scale in use.
    - C. The effect on radar detection of the sea state, weather, and other sources of interference.
    - D. The possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range.
    - E. The number, location, and movement of vessels detected by radar.
    - F. The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.
- (c) For the purposes of this rule the term "collision" includes every description of accident or casualty either intentional or unintentional.

- (d) No person shall operate or permit the operation of a vessel on the waters in this Park District without maintaining sufficient control to avoid an incident that results in property damage, physical injury, loss of life, or any combination of them.
- (e) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.072)

### **381.07 RECKLESS OR UNSAFE OPERATION OF VESSEL, WATER SKIS, AQUAPLANE.**

- (a) Any person who operates any vessel or manipulates any water skis, aquaplane, or similar device on the waters in this Park District carelessly or heedlessly, or in disregard of the rights or safety of any person, vessel, or property, or without due caution, at a rate of speed or in a manner so as to endanger any person, vessel, or property is guilty of reckless operation of the vessel or other device.
- (b) No person shall operate or permit the operation of a vessel in an unsafe manner. A vessel shall be operated in a reasonable and prudent manner at all times. Unsafe vessel operation includes, without limitation, any of the following:
  - (1) A vessel becoming airborne or completely leaving the water while crossing the wake of another vessel at a distance of less than one hundred feet, or at an unsafe distance, from the vessel creating the wake;
  - (2) Operating at such a speed and proximity to another vessel or to a person attempting to ride on one or more water skis, surfboard, inflatable device, or similar device being towed by a vessel so as to require the operator of either vessel to swerve or turn abruptly to avoid collision;
  - (3) Operating less than two hundred feet directly behind a person water skiing or attempting to water ski;
  - (4) Weaving through congested traffic.
- (c) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree (ORC 1547.07)
- (d) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. (ORC 1547.07)

### **381.071 AUTHORITY OF RANGER WHEN ESPECIALLY HAZARDOUS CONDITION EXISTS.**

- (a) If a ranger observes a vessel being used and determines that at least one of the unsafe conditions identified in subsection (c) of this section is present and that an especially hazardous condition exists, the ranger may direct the operator of the vessel to take whatever immediate and reasonable actions are necessary for the safety of the persons aboard the vessel, including directing the operator to return the vessel to mooring and remain there until the situation creating the hazardous condition is corrected or has ended.
- (b) For the purposes of this section, an especially hazardous condition is one in which a reasonably prudent person would believe that the continued operation of a vessel would create a special hazard to the safety of the persons aboard the vessel.
- (c) The refusal by an operator of a vessel to terminate use of the vessel after being ordered to do so by a ranger under subsection (a) of this section is prima-facie

evidence of a violation of Section 381.07.

- (d) For the purposes of this section, any of the following is an unsafe condition:
  - (1) Insufficient personal flotation devices;
  - (2) Insufficient fire extinguishers;
  - (3) Overloaded, insufficient freeboard for the water conditions in which the vessel is operating;
  - (4) Improper display of navigation lights;
  - (5) Fuel leaks, including fuel leaking from either the engine or the fuel system;
  - (6) Accumulation of or an abnormal amount of fuel in the bilges;
  - (7) Inadequate backfire flame control;
  - (8) Improper ventilation.
- (e) This section does not apply to any of the following:
  - (1) Foreign vessels temporarily using waters that are subject to the jurisdiction of the United States;
  - (2) Military vessels, vessels owned by the state or a political subdivision, or other public vessels, except those that are used for recreation;
  - (3) A ship's lifeboats, as defined in Section 1548.01 of the Ohio Revised Code;
  - (4) Vessels that are solely commercial and that are carrying more than six passengers for hire.
- (f) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.071)

### **381.08 PROHIBITING OPERATION IN CERTAIN AREAS - LOW SPEED AREAS.**

- (a) No person shall operate a vessel within or through a designated bathing area or within or through any area that has been buoyed off designating it as an area in which vessels are prohibited.
- (b) (1) No person shall operate a vessel at greater than idle speed or at a speed that creates a wake under any of the following circumstances:
  - A. Within three hundred feet of any marina, boat docking facility, boat gasoline dock, launch ramp, recreational boat harbor, or harbor entrance on Lake Erie;
  - B. Within any area buoyed or marked as a no wake area on the waters in this Park District.
- (2) Subsection (b)(1) of this section does not apply in an area designated by the Chief of the Division of Watercraft unless it is marked by a buoy or sign as a no wake or idle speed area.
- (c) No person shall operate a vessel in any area of restricted or controlled operation in violation of the designated restriction.
- (d) No person shall operate a vessel within three hundred feet of an official diver's flag unless the person is tendering the diving operation.
- (e) All areas of restricted or controlled operation as described in subsection (a) of this section or as provided for in Section 1547.14 or 1547.61 of the Ohio Revised Code shall be marked by a buoy or sign designating the restriction. All waters surrounded by or lying between such a buoy or sign and the closest shoreline are thereby designated as an area in which the designated restrictions shall apply in the operation

- of any vessel.
- (f) No person shall enter, operate a vessel that enters, or allow a vessel to enter a federally declared security zone as defined in 33 C.F.R. Chapter I, subparts 6.01-1, 6.01-2, 6.01-3, 6.01-4, 6.01-5, 6.04-1, 6.04-5, 6.04-6, 6.04-7, and 6.04-8.
  - (g) No person shall permit any vessel to be operated on the waters in this Park District in violation of this section.
  - (h) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.08)

### **381.09 PROHIBITED ACTS.**

- (a) No person, unless in distress and no other vessel is endangered thereby, shall moor to, anchor to, or tie up to any marker, aid, buoy, light, or other aid to navigation.
- (b) No person shall operate or permit to be operated any vessel on the waters in this Park District in violation of this section.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.09)

### **381.10 STOPPING AND FURNISHING INFORMATION UPON ACCIDENT OR COLLISION.**

- (a) In case of accident to or collision with persons or property on the waters of this Park District, due to the operation of any vessel, the operator having knowledge of the accident or collision shall immediately stop the vessel at the scene of the accident or collision, to the extent that it is safe and practical, and shall remain at the scene of the accident or collision until he has given his name and address and, if he is not the owner, the name and address of the owner of the vessel, together with the registration number of the vessel, if any, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any vessel damaged in the accident or collision, or to any ranger at the scene of the accident or collision.
- (b) If the injured person is unable to comprehend and record the information required to be given by this section, the other operator involved in the accident or collision shall forthwith notify the Ranger Department concerning the location of the accident or collision, and his name, address, and the registration number, if any, of the vessel he was operating, and then remain at the scene of the accident or collision or at the nearest location from which notification is possible until a ranger arrives, unless removed from the scene by an emergency vehicle operated by the state or the Park District or by an ambulance.
- (c) If the accident or collision is with an unoccupied or unattended vessel, the operator so colliding with the vessel 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 vessel.
- (d) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 1547.10)

### **381.11 INCAPACITATED OPERATORS PROHIBITED.**

- (a) No person shall operate any vessel if the person is so mentally or physically incapacitated as to be unable to operate the vessel in a safe and competent manner.
- (b) No person shall permit any vessel to be operated on the waters in this Park District in violation of this section.
- (c) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. (ORC 1547.12)
- (d) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. (ORC 1547.12)

**381.12 FAILURE TO COMPLY WITH ORDER OF LAW ENFORCEMENT - FLEEING AND ELUDING.**

- (a) No person shall fail to comply with any lawful order or direction of any ranger having authority to direct, control, or regulate the operation or use of vessels.
- (b) No person shall operate any vessel so as to purposely elude or flee from a ranger after receiving a visible or audible signal from a ranger to bring the vessel to a stop.
- (c) No person shall operate or permit to be operated any vessel on the waters in this Park District in violation of this section.
- (d) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 1547.13)

**381.121 DUTY TO STOP OR GIVE WAY UPON APPROACH OF RANGER DEPARTMENT VESSEL.**

- (a) Upon the approach of a Ranger Department vessel with at least one flashing, rotating, or oscillating light of a color conforming with the requirements of federal law, the operator of any vessel shall stop if followed or give way in any crossing, head-on, or overtaking situation and shall remain in that position until the Ranger Department vessel has passed, except when otherwise directed by a ranger. If traffic conditions warrant, a siren or other sound producing device also may be operated as an additional signaling device. This section does not relieve the operator of any law enforcement vessel from the duty to operate with due regard for the safety of all persons and property on the waters in this Park District.
- (b) No person shall operate or permit to be operated any vessel on the waters in this Park District in violation of this section.
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 1547.131)

**381.122 VESSEL WAKE RESTRICTIONS.**

- (a) As used in this section, "public service" means activities that include, but are not limited to, escorting or patrolling special water events, traffic control, salvage, firefighting, medical assistance, assisting disabled vessels, and search and rescue.
- (b) No person shall operate a vessel at a speed that creates a wake within one hundred feet of a stationary Ranger Department vessel displaying at least one flashing, oscillating, or rotating light conforming with 33 C.F.R. 88.11.

- (c) No person shall operate a vessel at a speed that creates a wake within one hundred feet of a vessel that is being used to provide public service and that displays at least one flashing, oscillating, or rotating light conforming with 33 C.F.R. 88.12.
- (d) No person shall permit any vessel to be operated on the waters in this Park District in violation of this section.
- (e) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. (ORC 1547.132)
- (f) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. (ORC 1547.132)

### **381.13 HORSEPOWER RESTRICTIONS AND PROHIBITIONS**

- (a) No person shall operate a vessel on the waters in this Park District that violate horsepower restrictions. Specific horsepower restrictions within the district are:
  - (1) Ten (10) Horsepower Boat Motors or Less
    - A. Sippo Lake
    - B. Walborn Reservoir
  - (2) Electric Motor Only
    - A. Deercreek Reservoir
  - (3) Motors Prohibited (Carry-in Vessels Only)
    - A. Petros Lake
    - B. Ohio Erie Canal
    - C. All other non-specified park district waterways and ponds
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **381.14 PROHIBITED VESSELS**

- (a) No person shall be permitted to launch, moor, and/or operate on the waters in this Park District, any of the following vessels:
  - (1) An inflatable, manually propelled boat having only one gas chamber
  - (2) Pontoon Aircraft
  - (3) Air Boats (Hovercrafts)
  - (4) Personal Watercraft (PWC)
- (b) No person shall be permitted to launch, moor, and/or operate on the waters in this park district any vessel in excess of the following length restrictions
  - (1) Sippo Lake Park – 21 feet
  - (2) Walborn Reservoir – 25 feet
  - (3) Deer Creek Reservoir – 25 feet
- (c) No person shall be permitted to launch, moor and/or operate a pontoon boat on Sippo Lake Park in Perry Township, Stark County, Ohio
- (d) No person shall operate any vessel that cannot be carried by hand and operated though the use of oars and/or a paddle on the following bodies of water:

- (1) Petros Lake Park
  - (2) The Ohio Erie Canal
  - (3) All other non-specified park district waterways and ponds
- (e) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **381.15 DOCK PROHIBITIONS**

- (a) No person shall construct a dock, whether temporary or permanent on the waters in this Park District.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **381.16 MOORING**

- (a) No person shall moor any vessel on the waters in this Park District or on land in this Park District beyond the normal operation hours of the district for said location.
- (b) No person shall improperly moor and/or create a free-floating unoccupied vessel on the waters in this Park District.
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **381.17 RESTRICTIONS ON SITTING, STANDING, WALKING ON MOVING VESSEL.**

- (a) No occupant of any vessel underway on the waters in this Park District shall sit, stand, or walk upon any portion of the vessel not specifically designed for that movement, except when immediately necessary for the safe and reasonable navigation or operation of the vessel. No operator of a vessel underway on the waters in this state shall allow any occupant of the vessel to sit, stand, or walk on any portion of the vessel underway not specifically designed for that use, except when immediately necessary for the safe and reasonable navigation or operation of the vessel.
- (b) No person shall operate or permit to be operated any vessel on the waters in this Park District in violation of this section.
- (c) Whoever violates this section guilty of a minor misdemeanor. (ORC 1547.22)

### **381.18 PERSONAL FLOTATION DEVICES REQUIRED FOR CHILD UNDER 10.**

- (a) No person shall operate or permit to be operated any vessel under eighteen feet in length while there is present in the vessel any person under ten years of age, not wearing a coast guard approved type one, two, three, or five personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten years of age.

- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.24)

### **381.19 PERMITTING OPERATION WITHOUT PERSONAL FLOTATION DEVICE.**

- (a) No person shall operate or permit to be operated any vessel, other than a commercial vessel or other vessel exempted by rules adopted under Section 1547.52 of the Ohio Revised Code, on the waters in this Park District:
  - (1) That is sixteen feet or greater in length without carrying aboard one type one, two, or three personal flotation device for each person aboard and one type four personal flotation device;
  - (2) That is less than sixteen feet in length, including canoes and kayaks of any length, without carrying aboard one type one, two, or three personal flotation device for each person aboard.
- (b) A type five personal flotation device may be carried in lieu of a type one, two, or three personal flotation device required under subsection (a) of this section.
- (c) No person shall operate or permit to be operated any commercial vessel on the waters in this Park District:
  - (1) That is less than forty feet in length and is not carrying persons for hire without carrying aboard at least one type one, two, or three personal flotation device for each person aboard;
  - (2) That is carrying persons for hire or is forty feet in length or longer and is not carrying persons for hire without carrying aboard at least one type one personal flotation device for each person aboard;
  - (3) That is twenty-six feet in length or longer without carrying aboard at least one type four ring life buoy in addition to the applicable requirements of subsections (c)(1) and (2) of this section.
- (d) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be coast guard approved and in good and serviceable condition, of appropriate size for the wearer, and readily accessible to each person aboard the vessel at all times.
- (e) As used in this section, "commercial vessel" means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner, or agent or any other person interested in the vessel. "Commercial vessel" does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented, or chartered to another for noncommercial use.
- (f) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC1547.25)

### **381.191 USE OF APPROVED DISTRESS SIGNALS OR FLAGS.**

- (a) No person shall operate a vessel on the waters in this Park District unless the vessel carries either a distress flag at least two feet square and international orange in color

- or a coast guard approved daytime distress signal.
- (b) No person shall display any distress signal unless a vessel or a person is in distress and in need of help.
  - (c) Subsections (a) of this section do not apply to any of the following:
    - (1) Vessels competing in an organized marine parade, race, regatta, or similar event;
    - (2) Manually propelled vessels;
    - (3) Sailboats less than twenty-six feet in length with completely open construction and without propulsion machinery.
  - (d) The distress signals required by this section shall be in good and serviceable condition, readily accessible, and of the type and quantities required by regulations adopted under 46 U.S.C. 4302, as amended.
  - (g) No person shall operate or permit to be operated any vessel on the waters in this Park District in violation of this section.
  - (h) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.251)

### **381.192 REQUIRING ANCHOR AND LINE.**

- (a) All watercraft, except sailboats less than sixteen feet long having a cockpit depth of less than twelve inches and except canoes, shall carry an anchor and line of sufficient weight and length to anchor the watercraft securely. The Chief of the Division of Watercraft, by rule, may exempt other types of watercraft from this section after determining that carrying such an anchor and line would constitute a hazard.
- (b) No person shall operate or permit to be operated any watercraft on the waters in this Park District in violation of this section.
- (c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.26)

### **381.193 REQUIRED FIRE EXTINGUISHERS.**

- (a) Except those powercraft propelled by an electric motor and those less than twenty-six feet in length designed for use with an outboard motor, of open construction, and not carrying passengers for hire, all powercraft shall carry fire extinguishers as prescribed in this section. The fire extinguishers shall be capable of extinguishing a burning gasoline fire, shall be so placed as to be readily accessible and in such condition as to be ready for immediate and effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States Coast Guard.
- (b) Class A and Class 1 powercraft shall carry at least one B-1 fire extinguisher.

Class 2 powercraft shall carry at least two B-1 fire extinguishers or at least one B-2 fire extinguisher.

Class 3 powercraft shall carry at least three B-1 fire extinguishers, or at least one B-1 and one B-2 fire extinguishers.

A B-1 fire extinguisher is one containing a minimum of one and one-fourth gallons

foam, four pounds carbon dioxide, two pounds dry chemical, two and one-half pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for such use. A B-2 fire extinguisher is one containing a minimum of two and one-half gallons foam, fifteen pounds carbon dioxide, ten pounds dry chemical, ten pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for such use.

- (c) No person shall operate or permit to be operated on the waters in this Park District any powercraft that does not comply with this section.
- (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.27)

#### **381.194 BACKFIRE FLAME CONTROL DEVICE.**

- (a) Every gasoline engine installed in a vessel after April 25, 1940, except an outboard motor, shall be equipped with an acceptable device to control backfire flame. The device shall comply with all of the following:
  - (1) Be securely attached to the air intake with a flame-tight connection;
  - (2) Be in proper working order;
  - (3) Be coast guard approved or comply with either SAE J1928 or UL 1111;
  - (4) Be marked to indicate approval or compliance under this section.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.28)

#### **381.195 VENTILATION REQUIREMENTS.**

- (a) All powercraft using gasoline or other liquid fuel having a flashpoint of less than 110 F. shall be provided with ventilation as follows:
  - (1) At least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases;
  - (2) Any type of ventilating system approved for use by the United States Coast Guard;
  - (3) The ventilation of the boat is not required where the greater portion of the bilges of the engine and fuel tank compartment is open to the natural atmosphere.
- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.29)

#### **381.196 MUFFLER OR MUFFLER SYSTEM REQUIRED - NOISE LEVELS.**

- (a) Every powercraft operated on the waters in this Park District shall be equipped at all times with a muffler or a muffler system that is in good working order, in constant operation, and effectively installed to prevent excessive or unusual noise.
- (b) (1) No person shall operate or give permission for the operation of a powercraft on the waters in this Park District in such a manner as to exceed a noise level of ninety

decibels on the "A" scale when subjected to a stationary sound level test as prescribed by SAE J2005.

- (2) No person shall operate or give permission for the operation of a powercraft on the waters in this Park District in such a manner as to exceed a noise level of seventy-five decibels on the "A" scale measured as specified by SAE J1970. Measurement of a noise level of not more than seventy-five decibels on the "A" scale of a powercraft in operation does not preclude the conducting of a stationary sound level test as prescribed by SAE J2005.
- (c) No person shall operate or give permission for the operation of a powercraft on the waters in this Park District that is equipped with an altered muffler or muffler cutout, or operate or give permission for the operation of a powercraft on the waters in this Park District in any manner that bypasses or otherwise reduces or eliminates the effectiveness of any muffler or muffler system installed in accordance with this section, unless the applicable mechanism has been permanently disconnected or made inoperable.
- (d) No person shall remove, alter, or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this section.
- (e) No person shall manufacture, sell, or offer for sale a powercraft that is not equipped with a muffler or muffler system that prevents noise levels in excess of those established in subsection (b) of this section.
- (f) This section does not apply to any of the following:
  - (1) A powercraft that is designed, manufactured, and sold for the sole purpose of competing in racing events. The exception established under subsection (f)(1) of this section shall be documented in each sale agreement and shall be acknowledged formally by the signatures of the buyer and the seller. The buyer and the seller shall maintain copies of the sale agreement. A copy of the sale agreement shall be kept aboard the powercraft when it is operated. A powercraft to which the exception established under subsection (f)(1) of this section applies shall be operated on the waters in this Park District only in accordance with subsection (f)(2) of this section.
  - (2) A powercraft that is actually participating in a sanctioned racing event or in tune-up periods for a sanctioned racing event on the waters in this state and that is being operated in accordance with subsection (f)(2) of this section. For the purposes of subsection (f)(2) of this section, a sanctioned racing event is a racing event that is conducted in accordance with section 1547.20 of the Ohio Revised Code or that is approved by the United States Coast Guard. The operator of a powercraft that is operated on the waters in this Park District for the purpose of a sanctioned racing event shall comply with that section and requirements established under it or with requirements established by the Coast Guard, as appropriate. Failure to comply subjects the operator to this section.
  - (3) A powercraft that is being operated on the waters in this state by or for a boat or engine manufacturer for the purpose of testing, development, or both and that complies with subsection (f)(3) of this section. The operator of such a

powercraft shall have aboard at all times and shall produce on demand of a ranger a current, valid letter issued by the Chief of the Division of Watercraft in accordance with rules adopted under subsection (i)(1) of this section. Failure to produce the letter subjects the operator to this section.

- (g) A ranger who is trained in accordance with rules adopted under subsection (i)(2) of Section 381.196 and who has reason to believe that a powercraft is not in compliance with the noise levels established in this section may direct the operator of the powercraft to submit it to an on-site test to measure the level of the noise emitted by the powercraft. The operator shall comply with that direction. The ranger may remain aboard the powercraft during the test at the ranger's discretion.

If the level of the noise emitted by the powercraft exceeds the noise levels established in this section, the ranger may direct the operator to take immediate and reasonable measures to correct the violation, including returning the powercraft to a mooring and keeping it at the mooring until the violation is corrected or ceases.

- (h) A ranger who conducts powercraft noise level tests pursuant to this section shall be trained to do so in accordance with rules adopted under subsection (i)(2) of Section 1547.31 of the Ohio Revised Code and/or (i)(2) of this section.
- (i) In accordance with Chapter 119 of the Ohio Revised Code, the Chief of the Division of Watercraft shall adopt rules establishing both of the following:
  - (1) Requirements and procedures for the issuance of letters under subsection (f)(3) of this section. The rules shall require, without limitation, that each such letter adequately identify the powercraft concerning which the letter is issued and specify the purposes for which the powercraft is being operated.
  - (2) Requirements and procedures for the training of law enforcement officers who conduct powercraft noise level tests pursuant to this section. The rules shall require the training to include, without limitation, the selection of a site where noise level is measured and the calibration and use of noise measurement equipment.
- (j) Whoever violates this section is guilty of a misdemeanor of the fourth degree on the first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree. (ORC 1547.31)

### **381.197 REQUIRING CAPACITY PLATE.**

- (a) No person, after January 1, 1977, shall manufacture, sell, or offer for sale any watercraft propelled by machinery as its principal source of power, or watercraft designed to be manually propelled, less than twenty feet in length, and designed to carry two or more persons, manufactured after that date, unless a capacity plate containing the correct information, as prescribed by regulations adopted by the United States Coast Guard, is firmly attached to the watercraft. The capacity plate shall be attached in such a location that it is clearly legible from the position designed or intended to be occupied by the operator when the watercraft is underway.
- (b) No person shall operate or permit to be operated on the waters in this Park District

watercraft for which a capacity plate is required under this section unless the capacity plate is attached.

- (c) No person shall alter, remove, or deface any information contained on the capacity plate unless the manufacturer has altered the watercraft in such a way that would require a change in the information contained on the capacity plate.
- (d) As used in this section, "manufacture" means to construct or assemble a watercraft, or to alter a watercraft in such a manner as to affect or change its weight capacity or occupant capacity.
- (e) Whoever violates this section is guilty of a misdemeanor of the fourth degree.(ORC 1547.39)

### **381.20 EXCEEDING CAPACITY PLATE FIGURES.**

- (a) No person shall operate or permit to be operated on the waters in this Park District a watercraft to which a capacity plate is attached if the total load exceeds the weight capacity indicated on the capacity plate, if the number of persons aboard exceeds the occupant capacity indicated on the capacity plate, or if the horsepower of any attached outboard motor exceeds the maximum horsepower indicated on the capacity plate.
- (b) When no capacity plate exists, no person shall operate or permit to be operated on the waters in this Park District a watercraft if a reasonably prudent person would believe that either of the following circumstances applies:
  - (1) The total load aboard the watercraft has associated with it a risk of physical harm to persons or property;
  - (2) The total horsepower of any inboard engine or attached outboard motor has associated with it a risk of physical harm to persons or property.
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.(ORC 1547.40)

### **381.21 LITTERING PROHIBITED.**

- (a) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, vessel parts, vehicle parts, furniture, glass, or anything else of an unsightly or unsanitary nature.
- (b) No operator or occupant of a vessel shall, regardless of intent, throw, drop, discard, or deposit litter from any vessel in operation or control upon or in any waters in this Park District, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.
- (c) No operator of a vessel in operation upon any waters in this Park District shall allow litter to be thrown, dropped, discarded, or deposited from the vessel, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.
- (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 1547.49)

### **381.22 HULL IDENTIFICATION NUMBER.**

- (a) A watercraft constructed on or after November 1, 1972, shall have a hull identification number permanently displayed and affixed to it in accordance with federal law.
- (b) A watercraft constructed before November 1, 1972, shall have a hull identification number assigned to it by the Chief of the Division of Watercraft at the time of registration, at the time of application for title, after transfer of ownership, or at the time of a change to this state as the principal location of operation. The number shall be permanently displayed and affixed as prescribed by rules adopted under Section 1547.52 of the Ohio Revised Code.
- (c) A person who builds a watercraft or imports a watercraft from another country for personal use and not for the purpose of sale shall request a hull identification number from the Chief of the Division of Watercraft and permanently display and affix the number as prescribed by rules adopted under Section 1547.52 of the Ohio Revised Code.
- (d) No person shall operate or permit to be operated any watercraft on the waters in this Park District in violation of this section.
- (e) Whoever violates this section is guilty of a misdemeanor of the fourth degree.(ORC 1547.65)

### **381.23 TAMPERING WITH IDENTIFYING MARKS.**

- (a) No person shall deface or alter any serial number, model designation, or other identifying mark on any watercraft or motor as placed thereon by the manufacturer thereof, or remove, deface, or alter the registration number of any watercraft as the registration number appears on the bow thereof except by specific order of the Chief of the Division of Watercraft.
- (b) No person shall give purposely false information concerning any watercraft or motor when applying for registration of the watercraft. Any certificate issued which is found to be based on such false information is void.
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree.(ORC 1547.66)

### **381.24 ENFORCEMENT.**

- (a) It shall be the duty of the Ranger Department to enforce the provisions of the Watercraft Regulations. The Chief of Rangers shall assign such rangers and members of the Ranger Department as the Chief may determine necessary, who shall be charged with the duty of enforcing the provisions of this chapter and the rules and regulations adopted by the Chief of the Division of Watercraft and Chapter 1547 of the Ohio Revised Code. In the exercise thereof, such rangers or members of the Ranger Department have the authority to stop and board any watercraft subject to the provisions of this chapter and Chapter 1547 of the Ohio Revised Code.

**381.25 TAMPERING WITH NAVIGATION AID OR VESSEL.**

- (a) No person shall knowingly damage, remove, or tamper with any signal, buoy, or other aid to navigation within the waters of this Park District.
- (b) No person shall knowingly sever the mooring lines of, set adrift, or tamper with any vessel that is moored or tied up on the waters in this Park District.
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.  
(ORC 1547.92)

**381.99 PENALTIES.**

- (a) See Section 303.99 for penalties applicable to any misdemeanor classification.

# STARK COUNTY PARK DISTRICT



## RULES AND REGULATIONS

### CHAPTER 5 – CRIMINAL PROVISIONS

# CHAPTER 5

## Criminal Provisions

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# Section 501 - General Provisions and Penalty

## 501.01 DEFINITIONS.

As used in the Park District Regulations:

- (a) "Force" means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing.
- (b) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.
- (c) "Physical harm to persons" means any injury, illness or other physiological impairment, regardless of its gravity or duration.
- (d) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.
- (e) "Serious physical harm to persons" means any of the following:
  - (1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
  - (2) Any physical harm that carries a substantial risk of death;
  - (3) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
  - (4) Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement;
  - (5) Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain.
- (f) "Serious physical harm to property" means any physical harm to property that does either of the following:
  - (1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort or money to repair or replace;
  - (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use and enjoyment for an extended period of time.
- (g) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.
- (h) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
- (i) "Offense of violence" means any of the following:
  - (1) A violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12,

2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, 2923.161, 2911.12(A)(1) to (3) or 2919.22(B)(1) to (4), or felonious sexual penetration in violation of former Ohio R.C. 2907.12;

- (2) A violation of an existing or former park district regulation, municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section listed in subsection (i)(1) hereof;
  - (3) An offense, other than a traffic offense, under an existing or former park district regulations, municipal ordinance or law of this or any other state or the United States, committed, purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;
  - (4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (i)(1), (2) or (3) hereof.
- (j) (1) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.
- (2) As used in this section, "trade secret" has the same meaning as in Ohio R.C. 1333.61, and "telecommunications service" and "information service" have the same meanings as in Ohio R.C. 2913.01.
  - (3) As used in this section, "cable television service", "computer", "computer software", "computer system", "computer network", "data", and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
- (k) "Law enforcement officer" means any of the following:
- (1) A ranger, sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or State highway patrol trooper;
  - (2) An officer, agent or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, Charter or ordinance, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;
  - (3) A mayor or manager in the mayor's or manager's capacity as chief conservator of the peace within the mayor's or manager's municipal corporation;

- (4) A member of an auxiliary police force organized by county, township or municipal law enforcement authorities, within the scope of the member's appointment or commission;
- (5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;
- (6) A person appointed by a mayor pursuant to Ohio R.C. 737.01 as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
- (7) A member of the organized militia of this State or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
- (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer, park district or municipal prosecutor.
- (9) A veterans' home police officer appointed under Ohio R.C. 5907.02.
- (10) A member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y).
- (11) A special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28.
- (12) The Senate Sergeant of Arms and or Assistant Sergeant at Arms;
- (13) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in Section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States Department of Transportation as provided in Parts 1542 and 1544 of Title 49 of the Code of Federal Regulations, as amended.
- (l) "Privilege" means an immunity, license or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office or relationship, or growing out of necessity.
- (m) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense.  
 "Contraband" includes, but is not limited to, all of the following:
  - (1) Any controlled substance, as defined in Ohio R.C. 3719.01, or any device, or paraphernalia;
  - (2) Any unlawful gambling device, or paraphernalia;
  - (3) Any dangerous ordnance or obscene material.
- (n) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.
- (o) "School", "school building" and "school premises" have the same meaning as in Ohio R.C. 2925.01.
- (p) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Ohio R.C.

Chapter 3314; a governing body of an educational service center; or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07.

- (q) "School bus" has the same meaning as in Ohio R.C. 4511.01. (ORC 2901.01)

#### **501.02 CLASSIFICATION OF OFFENSES.**

As used in the Park District Regulations:

- (a) Offenses include misdemeanors of the first, second, third and fourth degree, minor misdemeanors and offenses not specifically classified.
- (b) Regardless of the penalty that may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.
- (c) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.
- (d) Any offense not specifically classified is a minor misdemeanor if the only penalty that may be imposed is a fine not exceeding one hundred fifty dollars (\$150.00), community service under division (C) of Ohio R.C. 2929.27, or a financial sanction other than a fine under Ohio R.C. 2929.28.  
(ORC 2901.02)

#### **501.03 COMMON LAW OFFENSES ABROGATED.**

- (a) No conduct constitutes a criminal offense against the Park District unless it is defined as an offense in the Codified Park District Regulations or any other Park District Regulation.
- (b) An offense is defined when one or more sections of the Park District Regulations state a positive prohibition or enjoin a specific duty, and provide a penalty for violation of such prohibition or failure to meet such duty.
- (c) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law to enforce an order, civil judgment or decree.  
(ORC 2901.03)

#### **501.04 RULES OF CONSTRUCTION.**

- (a) Except as otherwise provided in subsection (c) hereof, sections of the Park District Regulations defining offenses or penalties shall be strictly construed against the Park District and liberally construed in favor of the accused.
- (b) Rules of criminal procedure and sections of the Ohio Revised Code providing for criminal procedure shall be construed so as to effect the fair, impartial, speedy and sure administration of justice.
- (c) Any provision of a section of the Park District Regulations that refers to a previous conviction of or plea of guilty to a violation of a section of the Park District Regulations or Ohio Revised Code or of a division of a section of the Park District Regulations or Ohio Revised Code shall be construed to also refer to a previous

conviction of or plea of guilty to a substantially equivalent offense under an existing or former law of this State, another state, or the United States or under an existing or former municipal ordinance or park district regulation.

- (d) Any provision of the Park District Regulations that refers to a section, or to a division of a section, of the Park District Regulations that defines or specifies a criminal offense shall be construed to also refer to an existing or former law of this State, another state, or the United States, to an existing or former municipal ordinance, park district regulation or to an existing or former division of any such existing or former law, ordinance or regulation that defines or specifies, or that defined or specified, a substantially equivalent offense.

(ORC 2901.04)

#### **501.05 CRIMINAL LAW JURISDICTION.**

- (a) A person is subject to misdemeanor prosecution and punishment in this Park District if any of the following occur:
- (1) The person commits an offense under the laws of this Park District, any element of which takes place in this Park District.
  - (2) While in this Park District, the person attempts to commit, or is guilty of complicity in the commission of, an offense in another jurisdiction, which offense is an offense under both the laws of this Park District or this State and the other jurisdiction, or, while in this Park District, the person conspires to commit an offense in another jurisdiction, which offense is an offense under both the laws of this Park District or this State and the other jurisdiction, and a substantial overt act in furtherance of the conspiracy is undertaken in this Park District by the person or another person involved in the conspiracy, subsequent to the person's entrance into the conspiracy. In any case in which a person attempts to commit, is guilty of complicity in the commission of, or conspires to commit an offense in another jurisdiction as described in this subsection, the person is subject to criminal prosecution and punishment in this Park District for the attempt, complicity, or conspiracy, and for any resulting offense that is committed or completed in the other jurisdiction.
  - (3) While out of this Park District, the person conspires or attempts to commit, or is guilty of complicity in the commission of, an offense in this Park District.
  - (4) While out of this Park District, the person omits to perform a legal duty imposed by the laws of this Park District, which omission affects a legitimate interest of the Park District in protecting, governing or regulating any person, property, thing, transaction or activity in this Park District.
  - (5) While out of this Park District, the person unlawfully takes or retains property and subsequently brings any of the unlawfully taken or retained property into this Park District.
  - (6) While out of this Park District, the person unlawfully takes or entices another and subsequently brings the other person into this Park District.
  - (7) The person, by means of a computer, computer system, computer network,

telecommunication, telecommunications device, telecommunications service, or information service, causes or knowingly permits any writing, data, image, or other telecommunication to be disseminated or transmitted into this Park District in violation of the law of this Park District.

- (b) This Park District includes the land and water within its boundaries and the air space above such land and water, and real property outside the corporate limits, with respect to which this Park District has either exclusive or concurrent legislative jurisdiction. Where the boundary between this Park District and another jurisdiction is disputed, the disputed territory is conclusively presumed to be within this Park District for purposes of this section.
- (c) When an offense is committed under the laws of this Park District, and it appears beyond a reasonable doubt that the offense or any element of the offense took place either in this Park District or in another jurisdiction or jurisdictions, but it cannot reasonably be determined in which it took place, the offense or element is conclusively presumed to have taken place in this Park District for purposes of this section.
- (d) When a person is subject to criminal prosecution and punishment in this Park District for an offense committed or completed outside of this Park District, the person is subject to all specifications for that offense that would be applicable if the offense had been committed within this Park District.
- (e) Any act, conduct, or element that is a basis of a person being subject under this section to criminal prosecution and punishment in this Park District need not be committed personally by the person as long as it is committed by another person who is in complicity or conspiracy with the person.
- (f) This section shall be liberally construed, consistent with constitutional limitations, to allow this Park District the broadest possible jurisdiction over offenses and persons committing offenses in, or affecting, this Park District.
- (g) For purposes of subsection (a)(2) of this section, an overt act is substantial when it is of a character that manifests a purpose on the part of the actor that the object of the conspiracy should be completed.
- (h) As used in this section, "computer", "computer system", "computer network", "information service", "telecommunication", "telecommunications device", "telecommunications service", "data", and "writing" have the same meaning as in Ohio R.C. 2913.01.  
(ORC 2901.11)

#### **501.06 LIMITATION OF CRIMINAL PROSECUTION.**

- (a) Except as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:
  - (1) For misdemeanor other than a minor misdemeanor, two years;
  - (2) For a minor misdemeanor, six months.
- (b) If the period of limitation provided in subsection (a) hereof has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a

fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by his legal representative who is not himself a party to the offense.

- (c) (1) If the period of limitation provided in this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time:
  - A. For an offense involving misconduct in office by a public servant at any time while the accused remains a public servant, or within two years thereafter;
  - B. For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.
- (2) As used in this subsection:
  - A. An “offense is directly related to the misconduct in office of a public servant” includes, but is not limited to, a violation of Ohio R.C. 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of Ohio R.C. 102.03, division (A) of Ohio R.C. 2921.02, division (A) or (B) of Ohio R.C. 2921.43, or division (F) or (G) of Ohio R.C. 3517.13, that is directly related to an offense involving misconduct in office of a public servant.
  - B. “Public servant” has the same meaning as in Section 525.005.
- (d) An offense is committed when every element of the offense occurs. In the case of an offense of which an element is a continuing course of conduct, the period of limitation does not begin to run until such course of conduct or the accused's accountability for it terminates, whichever occurs first.
- (e) A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation or other process, unless reasonable diligence is exercised to execute the same.
- (f) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.
- (g) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused absented himself from this Park District or concealed his identity or whereabouts is prima-facie evidence of his purpose to avoid prosecution.
- (h) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this State, even though the indictment, information or process that commenced the prosecution is quashed or the proceedings on the indictment, information or process are set aside or reversed on appeal.
- (i) The period of limitation for a violation of any provision of this General Offenses Code that involves a physical or mental wound, injury, disability or condition of a nature

that reasonably indicates abuse or neglect of a child under eighteen years of age or of a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age shall not begin to run until either of the following occurs:

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

(ORC 2901.13)

#### **501.07 REQUIREMENTS FOR CRIMINAL LIABILITY.**

- (a) Except as provided in subsection (b) hereof, a person is not guilty of an offense unless both of the following apply:
  - (1) The person's liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty that the person is capable of performing;
  - (2) The person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the section defining the offense.
- (b) When the section defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in the section, then culpability is not required for a person to be guilty of the offense. When the section neither specifies culpability nor plainly indicates a purpose to impose strict liability, recklessness is sufficient culpability to commit the offense.
- (c) Voluntary intoxication may not be taken into consideration in determining the existence of a mental state that is an element of a criminal offense. Voluntary intoxication does not relieve a person of a duty to act if failure to act constitutes a criminal offense. Evidence that a person was voluntarily intoxicated may be admissible to show whether or not the person was physically capable of performing the act with which the person is charged.
- (d) As used in this section:
  - (1) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control of the thing possessed for a sufficient time to have ended possession.
  - (2) Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts.
  - (3) "Culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 501.08.
  - (4) "Intoxication" includes, but is not limited to, intoxication resulting from the ingestion of alcohol, a drug, or alcohol and a drug.

(ORC 2901.21)

#### **501.08 CULPABLE MENTAL STATES.**

- (a) A person acts purposely when it is his specific intention to cause a certain result, or when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is his specific intention to engage in conduct of that nature.
- (b) A person acts knowingly, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.
- (c) A person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist.
- (d) A person acts negligently when, because of a substantial lapse from due care, he fails to perceive or avoid a risk that his conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a substantial lapse from due care, he fails to perceive or avoid a risk that such circumstances may exist.
- (e) When the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge or purpose is also sufficient culpability for such element. When recklessness suffices to establish an element of an offense, then knowledge or purpose is also sufficient culpability for such element. When knowledge suffices to establish an element of an offense, then purpose is also sufficient culpability for such element.  
(ORC 2901.22)

#### **501.09 ATTEMPT.**

- (a) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct that, if successful, would constitute or result in the offense.
- (b) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.
- (c) No person who is convicted of committing a specific offense or of complicity in the commission of an offense, shall be convicted of an attempt to commit the same offense in violation of this section.
- (d) It is an affirmative defense to a charge under this section that the actor abandoned the actor's effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.
- (e) Whoever violates this section is guilty of an attempt to commit an offense. An

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

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

#### **501.10 COMPLICITY.**

- (a) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:
  - (1) Solicit or procure another to commit the offense;
  - (2) Aid or abet another in committing the offense;
  - (3) Cause an innocent or irresponsible person to commit the offense.
- (b) It is no defense to a charge under this section that no person with whom the accused was in complicity has been convicted as a principal offender.
- (c) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of Section 501.09.
- (d) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, an attempt to commit an offense or an offense, the court when it charges the jury, shall state substantially the following:

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

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

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

criminal purpose.

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

#### **501.11 ORGANIZATIONAL CRIMINAL LIABILITY.**

- (a) An organization may be convicted of an offense under any of the following circumstances:
  - (1) The offense is a minor misdemeanor committed by an officer, agent or employee of the organization acting in its behalf and within the scope of the officer's, agent's or employee's office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, those provisions shall apply.
  - (2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent or employee of the organization acting in its behalf and within the scope of the officer's, agent's or employee's office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, those provisions shall apply.
  - (3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.
  - (4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of directors, trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of such a board's or person's office or employment.
- (b) If strict liability is imposed for the commission of an offense, a purpose to impose organizational liability shall be presumed, unless the contrary plainly appears.
- (c) In a prosecution of an organization for an offense other than one for which strict liability is imposed, it is a defense that the high managerial officer, agent or employee having supervisory responsibility over the subject matter of the offense exercised due diligence to prevent its commission. This defense is not available if it plainly appears inconsistent with the purpose of the section defining the offense.
- (d) As used in this section, "organization" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program. (ORC 2901.23)

## **501.12 PERSONAL ACCOUNTABILITY FOR ORGANIZATIONAL CONDUCT.**

- (a) An officer, agent or employee of an organization as defined in Section 501.11 may be prosecuted for an offense committed by such organization, if he acts with the kind of culpability required for the commission of the offense, and any of the following apply:
  - (1) In the name of the organization or in its behalf, he engages in conduct constituting the offense, or causes another to engage in such conduct, or tolerates such conduct when it is of a type for which he has direct responsibility;
  - (2) He has primary responsibility to discharge a duty imposed on the organization by law, and such duty is not discharged.
- (b) When a person is convicted of an offense by reason of this section, he is subject to the same penalty as if he had acted in his own behalf.  
(ORC 2901.24)

## **501.99 PENALTIES.**

- (a) Definitions. As used in this section:
  - (1) "Dangerous offender" means a person who has committed an offense, whose history, character and condition reveal a substantial risk that he or she will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive or aggressive behavior with heedless indifference to the consequences.
  - (2) "Repeat offender" means a person who has a history of persistent criminal activity and whose character and condition reveal a substantial risk that he or she will commit another offense. It is prima facie evidence that a person is a repeat offender if any of the following applies:
    - A. Having been convicted of one or more offenses of violence, as defined in Ohio R.C. 2901.01, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent offense of violence;
    - B. Having been convicted of one or more sexually oriented offenses, as defined in Ohio R.C. 2950.01, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent sexually oriented offense;
    - C. Having been convicted of one or more theft offenses, as defined in Ohio R.C. 2913.01, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent theft offense;
    - D. Having been convicted of one or more felony drug abuse offenses, as defined in Ohio R.C. 2925.01, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent felony drug abuse offense;
    - E. Having been convicted of two or more felonies, and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense;

- F. Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors, and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.
- (b) Penalties for Misdemeanors.
- (1) Considerations in misdemeanor sentencing.
    - A. A court that sentences an offender for a misdemeanor or minor misdemeanor violation of any provision of the Ohio Revised Code, or of any bylaw or rule adopted pursuant to Ohio Revised Code 1545.09 that is substantially similar to a misdemeanor or minor misdemeanor violation of a provision of the Ohio Revised Code, shall be guided by the overriding purposes of misdemeanor sentencing. The overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender. To achieve those purposes, the sentencing court shall consider the impact of the offense upon the victim and the need for changing the offender's behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or the victim and the public.
    - B. A sentence imposed for a misdemeanor or minor misdemeanor violation of an Ohio Revised Code provision or for a violation of any bylaw or rule adopted pursuant to Ohio Revised Code 1545.09 that is subject to division (b)(1)A. of this section shall be reasonably calculated to achieve the two overriding purposes of misdemeanor sentencing set forth in division (b)(1)A. of this section, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar offenses committed by similar offenders.
    - C. A court that imposes a sentence upon an offender for a misdemeanor or minor misdemeanor violation of an Ohio Revised Code provision or for a violation of a bylaw or rule adopted pursuant to Ohio Revised Code 1545.09 that is subject to division (b)(1)A. of this section shall not base the sentence upon the race, ethnic background, gender, or religion of the offender.
    - D. Divisions (b)(1)A. and B. of this section shall not apply to any offense that is disposed of by a traffic violations bureau of any court pursuant to Traffic Rule 13 and shall not apply to any violation of any provision of the Ohio Revised Code that is a minor misdemeanor and that is disposed of without a court appearance. Divisions (b)(1)A. through C. of this section do not affect any penalties established by the Park District for a violation of its bylaws or rules that are not substantially similar to a misdemeanor or minor misdemeanor violation of a provision of the Ohio Revised Code.
  - (2) Misdemeanor jail terms.
    - A. Except as provided in Ohio R.C. Sections 2929.22 or 2929.23 and, unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this chapter, the

court shall impose a definite jail term that shall be one of the following:

- i. For a misdemeanor of the first degree, not more than 180 days;
- ii. For a misdemeanor of the second degree, not more than 90 days;
- iii. For a misdemeanor of the third degree, not more than 60 days;
- iv. For a misdemeanor of the fourth degree, not more than 30 days.

- B.
  - i. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentenced in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.
  - ii.
    - a. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.
    - b. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.
- C. If a court sentences an offender to a jail term under division (b)(2) of this section and the court assigns the offender to a County Jail that has established a County Jail Industry Program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the County Jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the County Jail Industry Program.
- D. If a person is sentenced to a jail term pursuant to division (b)(2) of this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:
  - i. The court shall specify both of the following as part of the sentence:
    - 1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
    - 2. If the person does not dispute the bill described in division (2)(d) i.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the Clerk of the Court may issue a certificate

of judgment against the person as described in that section.

ii. The sentence automatically includes any certificate of judgment issued as described in division (b)(2)D.i.2. of this section.

E. If an offender who is convicted of or pleads guilty to a violation of Ohio R.C. 4511.19(B), or any substantially equivalent bylaw or rule adopted pursuant to Ohio Revised Code 1545.09, also is convicted of or also pleads guilty to a specification of the type described in Ohio R.C. 2941.1414 and if the court imposes a jail term on the offender for the underlying offense, the court shall impose upon the offender an additional definite jail term of not more than six months. The additional jail term shall not be reduced pursuant to any provision of the Ohio Revised Code or any bylaw or rule adopted pursuant to Ohio Revised Code 1545.09. The offender shall serve the additional jail term consecutively to and prior to the jail term imposed for the underlying offense and consecutively to any other mandatory term imposed in relation to the offense.

(3) Misdemeanor community control sanctions.

A. i. Except as provided in Ohio R.C. Sections 2929.22 and 2929.23 or when a jail term is required by law, in sentencing an offender for a misdemeanor, other than a minor misdemeanor, the sentencing court may do either of the following:

1. Directly impose a sentence that consists of one or more community control sanctions authorized by divisions (b)(4), (5), or (6) of this section. The court may impose any other conditions of release under a community control sanction that the court considers appropriate. If the court imposes a jail term upon the offender, the court may impose any community control sanction or combination of community control sanctions in addition to the jail term.
2. Impose a jail term under division (b)(2) of this section from the range of jail terms authorized under that division for the offense, suspend all or a portion of the jail term imposed, and place the offender under a community control sanction or combination of community control sanctions authorized under divisions (b)(4), (5), or (6) of this section.

ii. The duration of all community control sanctions imposed upon an offender and in effect for an offender at any time shall not exceed five years.

iii. At sentencing, if a court directly imposes a community control sanction or combination of community control sanctions pursuant to division (b)(3)A.i.1. of this section, the court shall state the duration of the community control sanctions imposed and shall notify the offender that if any of the conditions of the community control sanctions are violated the court may do any of the following:

1. Impose a longer time under the same community control sanction if the total time under all of the offender's community control sanctions does not exceed the five-year limit specified in division (b)(3)A.ii. of this section;

2. Impose a more restrictive community control sanction under division (b)(4), (5), or (6) of this section, but the court is not required to impose any particular sanction or sanctions;
  3. Impose a definite jail term from the range of jail terms authorized for the offense under division (b)(2) of this section.
- B. i. If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under division (b)(4), (5), or (6) of this section, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the Municipal Court or County Court in that jurisdiction, the sentencing court may request the Municipal Court or the County Court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.
- ii. The sentencing court shall require as a condition of any community control sanction that the offender abide by the law and not leave the State without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. The offender's compliance with the additional requirements also shall be a condition of the community control sanction imposed upon the offender.
- C. i. If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized under division (b)(4), (5), or (6) of this section, and the offender violates any of the conditions of the sanctions, the public or private person or entity that supervises or administers the program or activity that comprises the sanction shall report the violation directly to the sentencing court or to the department of probation or probation officer with general control and supervision over the offender. If the public or private person or entity reports the violation to the department of probation or probation officer, the department or officer shall report the violation to the sentencing court.
- ii. If an offender violates any condition of a community control sanction, the sentencing court may impose upon the violator a longer time under the same community control sanction if the total time under all of the community control sanctions imposed on the violator does not exceed the five-year limit specified in division (b)(3)A.ii. of this section or may impose on the violator a more restrictive community control sanction or combination of community control sanctions, including a jail term. If the court imposes a jail term upon a violator pursuant to

this division, the total time spent in jail for the misdemeanor offense and the violation of a condition of the community control sanction shall not exceed the maximum jail term available for the offense for which the sanction that was violated was imposed. The court may reduce the longer period of time that the violator is required to spend under the longer sanction or the more restrictive sanction by all or part of the time the violator successfully spent under the sanction that was initially imposed.

D. Except as otherwise provided in this division, if an offender, for a significant period of time, fulfills the conditions of a community control sanction imposed pursuant to division (b)(4), (5), or (6) of this section in an exemplary manner, the court may reduce the period of time under the community control sanction or impose a less restrictive community control sanction. Fulfilling the conditions of a community control sanction does not relieve the offender of a duty to make restitution under division (b)(6) of this section.

(4) Community residential sanction.

A. Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any community residential sanction or combination of community residential sanctions under this division (b)(4). Community residential sanctions include, but are not limited to, the following:

- i. A term of up to 180 days in a halfway house or a term in a halfway house not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have responsibility for paying the costs of confining the offender in a jail has entered into a contract with the halfway house for use of the facility for misdemeanor offenders;
- ii. A term of up to 180 days in an alternative residential facility or a term in an alternative residential facility not to exceed the longest jail term available for the offense, whichever is shorter. The court may specify the level of security in the alternative residential facility that is needed for the offender.

B. The court that sentences an offender to a community residential sanction under this division (b)(4) may do either or both of the following:

- i. Permit the offender to serve the offender's sentence in intermittent confinement, overnight, on weekends or at any other time or times that will allow the offender to continue at the offender's occupation or care for the offender's family;
- ii. Authorize the offender to be released so that the offender may seek or maintain employment, receive education or training, receive treatment, perform community service, or otherwise fulfill an obligation imposed by law or by the court. A release pursuant to this division shall be only for the duration of time that is needed to fulfill the purpose of the release and for travel that reasonably is necessary to fulfill the purposes

- of release.
  - iii. The court may order that a reasonable portion of the income earned by the offender upon a release pursuant to division (b)(4)B. of this section be applied to any financial sanction imposed under division (b)(6) of this section.
  - iv. No court shall sentence any person to a prison term for a misdemeanor or to a jail term for a minor misdemeanor.
  - v. If a court sentences a person who has been convicted of or pleaded guilty to a misdemeanor to a community residential sanction as described in division (b)(4)A. of this section, at the time of reception and at other times the person in charge of the operation of the halfway house, alternative residential facility, or other place at which the offender will serve the residential sanction determines to be appropriate, the person in charge of the operation of the halfway house, alternative residential facility, or other place may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including, but not limited to/ hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the halfway house, alternative residential facility, or other place at which the offender will serve the residential sanction may cause a convicted offender in the halfway house, alternative residential facility, or other place who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including, but not limited to/ hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.
  - vi. The Park District may enter into a contract with a halfway house for use of the halfway house to house misdemeanor offenders under a sanction imposed under division (b)(4)A. i. of this section.
- (5) Nonresidential sanction where jail term is not mandatory.
- A. Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any nonresidential sanction or combination of nonresidential sanctions authorized under this division. Nonresidential sanctions include, but are not limited to/ the following:
    - i. A term of day reporting;
    - ii. A term of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, a term of electronic monitoring or continuous alcohol monitoring without house arrest, or a term of house arrest without electronic monitoring or continuous alcohol monitoring;
    - iii. A term of community service of up to 500 hours for misdemeanor of the first degree or 200 hours for a misdemeanor of the second, third, or fourth degree;
    - iv. A term in a drug treatment program with a level of security for the offender as determined necessary by the court;

- v. A term of intensive probation supervision;
  - vi. A term of basic probation supervision;
  - vii. A term of monitored time;
  - viii. A term of drug and alcohol use monitoring, including random drug testing;
  - ix. A curfew term;
  - x. A requirement that the offender obtain employment;
  - xi. A requirement that the offender obtain education or training;
  - xii. Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;
  - xiii. If authorized by law, suspension of the offender's privilege to operate a motor vehicle, immobilization or forfeiture of the offender's motor vehicle, a requirement that the offender obtain a valid motor vehicle operator's license, or any other related sanction;
  - xiv. A requirement that the offender obtain counseling if the offense is a violation of Ohio R.C. 2919.25 or a substantially similar bylaw or rule adopted pursuant to Ohio Revised Code 1545.09 or a violation of Ohio R.C. 2903.13 or a substantially similar bylaw or rule adopted pursuant to Ohio Revised Code 1545.09 involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children. This division does not limit the court in requiring that the offender obtain counseling for any offense or in any circumstance not specified in this division.
- B. In addition to the sanctions authorized under division (b)(5)A. of this section, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, upon an offender who is not required to serve a mandatory jail term may impose any other sanction that is intended to discourage the offender or other persons from committing a similar offense if the sanction is reasonably related to the overriding purposes and principles of misdemeanor sentencing.
- C. The court imposing a sentence for a minor misdemeanor may impose a term of community service in lieu of all or part of a fine. The term of community service imposed for a minor misdemeanor shall not exceed 30 hours.
- (6) Financial sanctions.
- A. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this division (b)(6). If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include,

but are not limited to, the following:

- i. Restitution.
  1. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the Traffic Violations Bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based upon the victim's economic loss. The court may not impose restitution as a sanction pursuant to this division if the offense is a minor misdemeanor or could be disposed of by the Traffic Violations Bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the Clerk of the Court on behalf of the victim.
  2. If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. The court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.
  3. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender.
  4. If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five percent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.
  5. The victim or survivor of the victim may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.
- ii. Fines. A fine of the type described in divisions (b)(6)A.ii.1. and 2. of this section payable to the appropriate entity as required by law:
  1. A fine in the following amount:

- a. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000.00);
    - b. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
    - c. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
    - d. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
    - e. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00);
    - f. For a misdemeanor not specifically classified, not more than one hundred fifty dollars (\$150.00).
  2. A State fine or cost as defined in Ohio R.C. 2949.111.
- iii. Reimbursement.
  1. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:
    - a. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
    - b. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.
  2. The amount of reimbursement under division (b)(6)A.iii.1. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section.
- B.
  - i. If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this division (b)(6) or court costs or is likely in the future to be able to pay the sanction or costs.
  - ii. If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (b)(5)A. of this section in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (b)(5)A. of this section in lieu of or in addition to imposing a financial sanction under this division (b)(6) and in

addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (b)(5)C. of this section in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

- C.
  - i. The offender shall pay reimbursements imposed upon the offender pursuant to division (b)(6)A.iii. of this section to pay the costs incurred by a county pursuant to any sanction imposed under division (b)(4), (5), or (6) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (b)(4) of this section to the County Treasurer. The County Treasurer shall deposit the reimbursements in the County's General Fund. The County shall use the amounts deposited in the fund to pay the costs incurred by the County pursuant to any sanction imposed under division (b)(4), (5), or (6) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (b)(4) of this section.
  - ii. The offender shall pay reimbursements imposed upon the offender pursuant to division (b)(6)A.iii. of this section to pay the costs incurred by a park district pursuant to any sanction imposed under division (b)(4), (5), or (6) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (b)(4) of this section to the Treasurer of the park district. The Treasurer shall deposit the reimbursements in the park district's General Fund. The park district shall use the amounts deposited in the fund to pay the costs incurred by the park district pursuant to any sanction imposed under division (b)(4), (5), or (6) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (b)(4) of this section.
  - iii. The offender shall pay reimbursements imposed pursuant to division (b)(6)A.iii. of this section for the costs incurred by a private provider pursuant to a sanction imposed under division (b)(4), (5), or (6) of this section to the provider.
- D.
  - i. Except as otherwise provided in this division (b)(6)D., a financial sanction imposed under division (b)(6)A. of this section is a judgment in favor of the State or the political subdivision that operates the court that imposed the financial sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (b)(6)A.iii.1.a. of this section upon an offender is a judgment in favor of the entity administering the community control sanction. A financial sanction of reimbursement imposed pursuant to division (b)(6)A.iii.1.b. of this section upon an offender confined in a jailor other residential facility is a judgment in favor of the entity operating the jailor other residential facility. A financial sanction of restitution imposed pursuant to division (b)(6)A.1. of this section is an order in favor of the

victim of the offender's criminal act that can be collected through execution as described in division (b)(6)D.ii.1. of this section or through an order as described in division (b)(6)D.ii.2. of this section and the offender shall be considered for purposes of the collection as a judgment debtor.

ii. Once a financial sanction is imposed as a judgment or order under this division, the victim, private provider, State, or political subdivision may bring an action to do any of the following:

1. Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in Ohio R.C. 2929.18(D)(1)(a) to (e) or a substantially equivalent bylaw or rule adopted pursuant to Ohio Revised Code 1545.09.
2. Obtain an order for the assignment of wages of the judgment debtor under Ohio R.C. 1321.33 or a substantially similar bylaw or rule adopted pursuant to Ohio Revised Code 1545.09.

E. The civil remedies authorized under division (b)(6)D. of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.

F. Each court imposing a financial sanction upon an offender under this division (b)(6) may designate the Clerk of the Court or another person to collect the financial sanction. The Clerk, or another person authorized by law or the court to collect the financial sanction may do the following:

- i. Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this division (b)(6), a court shall comply with Ohio R.C. 307.86 to 307.92.
- ii. Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a County Court or a Municipal Court operated by a county, or by any other reasonable method, in any time, and on any terms that the court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a County Court or a Municipal Court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the Board of County Commissioners of the county pursuant to Ohio R.C. 301.28. If the court is a Municipal Court not operated by a county, the Clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.
- iii. To defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

G. No financial sanction imposed under this division (b)(6) shall preclude a victim from bringing a civil action against the offender.

(c) Imposing Sentence for Misdemeanor.

- (1) A. Unless a mandatory jail term is required to be imposed by Ohio R.C. 1547.99(G), 4510.14(B), or 4511.19(G), or any other provision of the Revised Code, or any bylaw or rule adopted pursuant to Ohio Revised Code 1545.09, a court that imposes a sentence under this chapter upon an offender for a misdemeanor or minor misdemeanor has discretion to determine the most effective way to achieve the purposes and principles of sentencing set forth in Ohio R.C. 1545.99(B).
- B. Unless a specific sanction is required to be imposed or is precluded from being imposed by the section setting forth an offense or the penalty for an offense or by any provision of Sections 2929.23 to 2929.28 of the Ohio Revised Code, a court that imposes a sentence upon an offender for a misdemeanor may impose on the offender any sanction or combination of sanctions under Ohio R.C. 1545.99 (B) (2) to (6). The court shall not impose a sentence that imposes an unnecessary burden on local government resources.
- C. i. In determining the appropriate sentence for a misdemeanor, the court shall consider all of the following factors:
1. The nature and circumstances of the offense or offenses;
  2. Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender's character and condition reveal a substantial risk that the offender will commit another offense;
  3. Whether the circumstances regarding the offender and the offense or offenses indicate that the offender's history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender's conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences;
  4. Whether the victim's youth, age, disability, or other factor made the victim particularly vulnerable to the offense or made the impact of the offense more serious;
  5. Whether the offender is likely to commit future crimes in general, in addition to the circumstances described in divisions (c)(1)C.i.2. and 3. of this section.
- ii. In determining the appropriate sentence for a misdemeanor, in addition to complying with division (c)(1)C.i. of this section, the court may consider any other factors that are relevant to achieving the purposes and principles of sentencing set forth in Division (b) (1) of this section.
- iii. Before imposing a jail term as a sentence for a misdemeanor, a court shall consider the appropriateness of imposing a community control sanction or a combination of community control sanctions under Ohio Revised Code Section 1545.99 (B) (3), (4), (5), and (6). A court may impose the longest jail term authorized under Ohio R.C. Section 1545.99 (B)(2) only upon offenders who commit the worst forms of the offense or upon offenders whose conduct and response to prior sanctions for prior offenses demonstrate that the imposition of

the longest jail term is necessary to deter the offender from committing a future crime.

iv. 1. A sentencing court shall consider any relevant oral or written statement made by the victim, the defendant, the defense attorney, or the prosecuting authority regarding sentencing for a misdemeanor. This division does not create any rights to notice other than those rights authorized by Ohio R.C. Chapter 2930.

2. At the time of sentencing for a misdemeanor or as soon as possible after sentencing, the court shall notify the victim of the offense of the victim's right to file an application for an award of reparations pursuant to Ohio R.C. 2743.51 to 2743.72.

(d) Organizational Penalties.

(1) Regardless of the other penalties provided in Ohio Revised Code Section 1545.99 (B), an organization convicted of an offense pursuant to Section 1545.09 shall be fined by the court as follows:

- A. For a misdemeanor of the first degree, not more than five thousand dollars (\$5,000.00);
- B. For a misdemeanor of the second degree, not more than four thousand dollars (\$4,000.00);
- C. For a misdemeanor of the third degree, not more than three thousand dollars (\$3,000.00);
- D. For a misdemeanor of the fourth degree, not more than two thousand dollars (\$2,000.00);
- E. For a minor misdemeanor, not more than one thousand dollars (\$1,000.00);
- F. For a misdemeanor not specifically classified, not more than two thousand dollars (\$2,000.00);
- G. For a minor misdemeanor not specifically classified, not more than one thousand dollars (\$1,000.00).

(2) When an organization is convicted of an offense not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then such penalty shall be imposed in lieu of the penalty provided in this section.

(3) When an organization is convicted of an offense not specifically classified, and the penalty provided includes a higher fine than that provided in this section, then the penalty imposed shall be pursuant to the penalty provided for violation of the section defining the offense.

(4) This section does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Ohio Revised Code Section 2901.23, either in addition to or in lieu of a fine imposed pursuant to this section.

(e) Multiple Sentences.

(1) Except as provided in division (e)(2) of this section, Ohio R.C. 2929.14(E), or Ohio R.C. 2971.03(D) or (E) a prison term, jail term, or sentence of imprisonment shall be served concurrently with any other prison term, jail term, or sentence of

imprisonment imposed by a court of this park district, the State, another state, or the United States. Except as provided in division (e)(2)(b) of this section, a jail term or sentence of imprisonment for misdemeanor shall be served concurrently with a prison term or sentence of imprisonment for felony served in a State or Federal correctional institution.

- (2) A. A jail term or sentence of imprisonment for a misdemeanor shall be served consecutively to any other prison term, jail term, or sentence of imprisonment when the trial court specifies that it is to be served consecutively or when it is imposed for a misdemeanor violation of Ohio R.C. 2907.322, 2921.34 or 2923.131. When consecutive sentences are imposed for misdemeanors under this division, the term to be served is the aggregate of the consecutive terms imposed, except that the aggregate term to be served shall not exceed 18 months.
- B. A jail term or sentence of imprisonment imposed for a misdemeanor violation of Ohio R.C. 4510.14, 4510.16, 4510.21, or 4511.19, or a substantially similar bylaw or rule adopted pursuant to Ohio Revised Code 1545.09, shall be served consecutively to a prison term that is imposed for a felony violation of Ohio R.C. 2903.06, 2903.07, 2903.08 or 4511.19 or a felony violation of Ohio R.C. 2903.04 involving the operation of a motor vehicle by the offender and that is served in a State correctional institution when the trial court specifies that it is to be served consecutively. When consecutive jail terms or sentences of imprisonment and prison terms are imposed for one or more misdemeanors and one or more felonies under this division, the term to be served is the aggregate of the consecutive terms imposed, and the offender shall serve all terms imposed for a felony before serving any term imposed for a misdemeanor.
- (f) Suspension of Driver's License. Except as otherwise provided in Ohio R.C. 4510.07 or in any other provision of the Revised Code, whenever an offender is convicted of or pleads guilty to a violation of any provision of a bylaw or rule adopted pursuant to Ohio Revised Code 1545.09 that is substantially similar to a provision of the Revised Code, and a court is permitted or required to suspend a person's driver's or commercial driver's license or permit for a violation of that provision, a court, in addition to any other penalties authorized by law, may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privileges for the period of time the court determines appropriate, but the period of suspension imposed for the violation of the provision of any bylaw or rule adopted pursuant to Ohio Revised Code 1545.09 shall not exceed the period of suspension that is permitted or required to be imposed for the violation of the provision of the Revised Code to which the provision of any bylaw or rule adopted pursuant to Ohio Revised Code 1545.09 is substantially similar.

## Section 505 – Animals and Fowl

### **505.01 PROHIBITED HOUSEHOLD PETS; CONTROL OF PETS.**

- (a) No unauthorized person shall bring into, permit, have, or keep in any part of the park any household pet, other animal destructive to birds or other animals except that dogs or cats are permitted (other than in designated swimming areas or adjacent beaches) if they have a valid registration tag (except for guide dogs registered under Ohio R.C. 955.011) and are controlled at all times on a leash or tether not more than eight feet long.
- (b) No owner, keeper, or harbinger of any dog shall fail at any time to do the following:
  - (1) Keep the dog physically confined or restrained by a leash or tether, not more than eight feet long, except that dogs may be permitted in designated areas off leash but still under the control of owner, keeper or harbinger.
  - (2) Have said leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to keep the dog under control at all times.
- (c) The running at large of any such animal in or upon park district property is prima-facie evidence that it is running at large in violation of this section.
- (d) (1) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.  
(2) In addition to the penalties prescribed in subsection (d)(1) hereof, if the offender is guilty of a violation of subsection (b) hereof, the court may order the offender to personally supervise the dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.  
(ORC 955.99)

### **505.02 ABANDONING OR RELEASING ANIMALS.**

- (a) No owner, keeper or custodian of any animal shall abandon or release such animal unless authorized to do so for wildlife management, education or other lawful purpose. (ORC 959.01)
- (b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. (ORC 959.99)

### **505.03 ANIMAL EXCREMENT REMOVAL.**

- (a) No owner or custodian of any animal shall fail to immediately remove excrement deposited by such animal. The removed excrement may be disposed of by depositing such in a sanitary manner in any litter receptacle.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **505.04 PROHIBITED FEEDING OF WILDLIFE; EXCEPTIONS.**

- (a) No person shall feed or cause to be fed any bird or other animal unless authorized to do so for wildlife management, education or other lawful purpose.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **505.05 HUNTING AND TRAPPING; WILDLIFE AND BIRD EGG REMOVAL.**

- (a) No person shall hunt, trap, kill or attempt to kill any bird, animal, amphibian, or other wildlife by the use of firearms, bow and arrow, air rifle, net, cage or any other means unless licensed by the state and while in designated hunting areas.
- (b) Except as provided in ORC 1533.11, no person shall hunt deer on park lands without first obtaining an annual deer permit.
- (c) Except as provided in ORC 1533.11, no person shall hunt wild turkeys on park lands without first obtaining an annual wild turkey permit.
- (d) Except as provided in ORC 1533.112 or unless otherwise provided by Ohio Division of Wildlife rule, no person shall hunt ducks, geese, or brant on park lands without first obtaining an annual wetlands habitat stamp.
- (e) No person shall hunt any wild bird or wild quadruped without a hunting license.
- (f) No person shall hunt or trap fur-bearing animals without first obtaining an annual fur taker permit from the state and an additional fur taker permit from the park district.
- (g) No person shall knowingly injure any bird nest or remove or injure any bird egg unless authorized to do so for wildlife management or other lawful purpose.
- (h) Whoever violates division (a) or (g) of this section is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the first degree for each subsequent offense. (ORC 1533.17)
- (i) Whoever violates division (b), (c), (d), (e) or (f) of this section is guilty of a misdemeanor of the fourth degree. (1533.99)

#### **505.051 TREE STANDS AND GROUND BLINDS.**

- (a) No person shall construct, place or use a permanent type tree stand or ground blind on park property

- (b) No person shall place spikes, nails, wires or other metal objects into a tree to act as steps or to support a tree stand or ground blind to a tree on park property.
- (c) No person shall leave a tree stand or ground blind unattended on park property.
- (d) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **505.06 IMPOUNDING AND DISPOSITION; RECORDS.**

- (a) A ranger or animal warden may impound every animal or dog found in violation of Section 505.01. If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harbinger is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harbinger that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.
- (b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dog shall be kept by any poundkeeper.

#### **505.07 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.**

- (a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.
- (b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (ORC 955.99)

#### **505.08 POISONING ANIMALS.**

- (a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another;

and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals. (ORC 959.03)

- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 959.99)

#### **505.09 CRUELTY TO ANIMALS GENERALLY.**

- (a) No person shall:
  - (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
  - (2) Carry or convey an animal in a cruel or inhuman manner; (ORC 959.13)
- (b) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (ORC 959.99)

#### **505.10 ANIMAL BITES; REPORTS AND QUARANTINE.**

- (a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Ranger Department and Health Department within twenty-four hours. Whenever it is reported to the Ranger Department and Health Department that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harbinger. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harbinger. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.
- (b) No person shall fail to comply with the requirements of this section or with any order

of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behavior suggestive of rabies.

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

#### **505.11 DANGEROUS, NUISANCE AND VICIOUS DOGS.**

(a) As used in this section:

- (1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has done any of the following:
  1. Caused injury, other than killing or serious injury, to any person;
  2. Killed another dog or animal, except a rodent;
  3. Been the subject of a third or subsequent violation of Division (C) of Section 955.22 of the Revised Code.B. "Dangerous dog" does not include a law enforcement dog, while the law enforcement dog is being used to assist one or more law enforcement officers in the performance of their official duties.
- (2) "Menacing fashion" means that a dog would cause any person or animal being chased or approached to reasonably believe that the dog will cause physical injury to that person or animal.
- (3) A. Subject to division (A)(3)(b) of this section, "nuisance dog" means a dog that without provocation has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or endanger any person.  
B. "Nuisance dog" does not include a law enforcement dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or endanger any person.
- (4) "Law enforcement dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.
- (5) "Serious injury" means any of the following:
  - A. Any physical harm that carries a substantial risk of death;
  - B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
  - C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
  - D. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.
- (6) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(6)B. hereof:
  1. Has killed or caused serious injury to any person or animal, except rodents;
  2. Has caused injury, other than killing or serious injury to any person, or animal, except rodents;B. "Vicious dog" does not include a law enforcement dog that has killed or

caused serious injury to any person while the law enforcement dog is being used to assist one or more law enforcement officers in the performance of their official duties;

- (7) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (ORC 955.11)
- (b) No owner, keeper, or harbinger of a dog that exhibits behavior(s) as defined in subsection (a)(1)A, (a)(3)(a) or (a)(6)A. hereof or has been previously deemed vicious, nuisance, or dangerous by a court pursuant to a substantially similar state code, park district regulation or municipal ordinance, shall fail to take all reasonable measures to prevent said dog from acting in a dangerous, nuisance, or vicious manner.
- (c) No owner, keeper, or harbinger of a dog that has been declared dangerous, nuisance, or vicious by a court of record in this state or any state in which the dog was declared dangerous, nuisance, or vicious pursuant to a substantially similar state code, park district regulation or municipal ordinance in regards to subsection (a) hereof, shall fail to do any of the following:
  - (1) While that dog is off the premises of the owner, keeper or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
    - A. Keep that dog in a locked pen that has a top;
    - B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing death, serious injury or injury to any person or animal other than a rodent;
    - C. Muzzle said dog.
  - (2) Obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage to property, damage or bodily injury to or death of a person caused by the vicious dog.  
(ORC 955.22)
- (d) The owner, keeper or harbinger of a dog is liable in damages for any injury, death or loss to person or property that is caused by the dog, unless the injury, death or loss was caused to the person or property of an individual, who at the time, was committing or attempting to commit a criminal offense other than a minor misdemeanor against any person, or was teasing, tormenting or abusing the dog.
- (e) Subsections (b) and (c) hereof are necessary control on the unrestrained activity of dangerous, nuisance, and vicious dogs which threaten the safety and pleasantness of parkways, parks, sidewalks, trails, and all areas of the Park District and lack of knowledge or lack of intent is not a defense to a violation thereof.
- (f) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that

subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense involving the same dog. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c)(2) hereof. The court may also order the dangerous dog to be permanently identified and registered through the county auditor and/or by any means available by a licensed veterinarian, the Dog Warden, or the humane society. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

- (g) If a violation of subsection (b) hereof involves a nuisance dog, whoever violates that subsection is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense. Upon a person convicted of or pleading guilty to a third violation of subsection (b) hereof involving the same dog, the court shall required the offender to register the involved dog as a dangerous dog.
- (h) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:
  - (1) A misdemeanor of the first degree if said dog causes death or serious injury to any person or animal other than a rodent. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.
  - (2) A misdemeanor of the first degree if the dog causes injury other than killing or serious injury to any person or animal other than a rodent. Additionally, the Court may order the vicious dog to be permanently identified and registered through the county auditor and/or by any means available by a licensed veterinarian, the Dog Warden, or the humane society.
- (i) Whoever violates subsection (c)(2) hereof is guilty of a misdemeanor of the first degree.  
(ORC 955.99)

#### **505.12 JACKLIGHTING PROHIBITED.**

- (a) Artificial Lighting. No person shall throw or cast the rays of a spotlight or other artificial light from any vehicle into any field, woodland, or forest while having in his or her possession a hunting device, or throw or cast the rays of a spotlight or other artificial light from any vehicle into any field, woodland, or forest for the purpose of locating a wild animal.
- (b) Exception. This section does not apply to law enforcement officers, wildlife officers, military personnel, and officers or employees of the Park District or Department of Natural Resources while in the performance of their duties.
- (c) Arrest, Search, Seizure. A ranger may arrest a person whom he or she has reasonable grounds to believe is violating this section, search the vehicle for firearms or other

hunting implements in the possession or under the control of that person, and seize the same. (ORC 1533.161)

- (d) Penalty. Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 1533.99(B))

**505.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## Section 509 – Disorderly Conduct and Peace Disturbance

**509.01 DISORDERLY CONDUCT; INTOXICATION.**

- (a) No person shall recklessly cause inconvenience, annoyance or alarm to another by doing any of the following:
- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
  - (2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;
  - (3) Insulting, taunting or challenging another, under circumstances in which that conduct is likely to provoke a violent response;
  - (4) Hindering or preventing the movement of persons on a public roadway, or to, from, within or upon public property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;
  - (5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.
- (b) No person, while voluntarily intoxicated shall do either of the following:
- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that effect on others;
  - (2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another.
- (c) Violation of any statute or regulation of which an element is operating a motor vehicle, watercraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.
- (d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof.

- (e) (1) Whoever violates this section is guilty of disorderly conduct.
- (2) Except as otherwise provided in this subsection (e)(3), disorderly conduct is a minor misdemeanor.
- (3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
  - A. The offender persists in disorderly conduct after reasonable warning or request to desist.
  - B. The offense is committed in the vicinity of a school or in a school safety zone.
  - C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot or emergency of any kind.
  - D. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.
- (f) As used in this section:
  - (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
  - (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
  - (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
  - (4) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01.(ORC 2917.11)

#### **509.02 FAILURE TO DISPERSE.**

- (a) Where five or more persons are participating in a course of disorderly conduct in violation of Section 509.01, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.
  - (b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.
  - (c) (1) Whoever violates this section is guilty of failure to disperse.
  - (2) Except as otherwise provided in subsection (c)(3) hereof, failure to disperse is a minor misdemeanor.
  - (3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in subsection (a) hereof, creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, disaster, riot, or emergency of any kind.
- (ORC 2917.04)

### **509.03 PUBLIC MEETINGS OR EVENTS.**

- (a) No individual or organization shall conduct, sponsor or promote any public meeting, concern, theater, event or other public activity without a prior permit. No event or activity sponsored or promoted by any individual or organization shall be permitted if it constitutes a hazard or danger to the personal safety of park employees, the participants or other park visitors; endangers peace and good order in the park; interferes with the regular and normal use of the facilities and activities by the park visitors; or which is inconsistent with the use of the park for normal purposes.
- (b) An appeal may be made from the decision of the Director by filing written notice with the appeals board created by the Board and composed of a Board member, the Finance Manager, and the Chief Ranger within thirty days of the Director's decision.
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

### **509.04 DISTURBING THE PEACE.**

- (a) No person shall operate or play a radio, TV, musical instrument or amplifier or sound equipment so as to disturb the peace and good order.
- (b) No person shall have any dog or animal which by causing frequent or long continued noise so as to disturb the peace and good order.
- (c) No person shall employ any amplified live band or disk jockey without first obtaining a written permit from the Park Director.
- (d) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

### **509.05 MODEL ROCKETS AND REMOTE CONTROLLED DEVICES.**

- (a) Model rockets or rocket-type devices, radio controlled toys, airplanes, boats, cars, sirens or other remote controlled devices shall not be operated, except in designated areas.
- (b) Silent, non-motorized, remote controlled boats are permitted at the following locations
  - (1) Devonshire Park pond 4679 South Blvd. NW, Canton 44718
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense. (ORC 1545.99)

### **509.06 CLOSING HOURS; EMERGENCY CLOSING.**

- (a) No person shall remain, stop or park within the confines of any part of the park,

- including without limitation roadways and parking areas, between the posted hours of operation, prevailing local time except in an emergency or with prior permit.
- (b) No person shall remain, stop or park within the confines of any part of the park, including without limitation roadways and parking areas, which has been posted closed.
  - (c) Unless otherwise posted, no person shall remain, stop or park within the confines of any part of the park, including without limitation roadways and parking areas, between the hours of sunset to sunrise as published by the National Weather Service for Canton, Ohio.
  - (d) Persons may be authorized to remain in a park beyond the closing hours by obtaining a permit from the Park Director. Such permits may be issued when the Director finds:
    - (1) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety or security of the park;
    - (2) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
    - (3) That the proposed activity will not entail unusual or extraordinary or burdensome expense or ranger operations by the park district.
    - (4) That the facilities desired have not been reserved for other use at the day and hour required in the application
  - (e) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **509.07 FIRES.**

- (a) No person shall start a fire, except small fires for culinary purposes in grills or in designated fire rings approved by rangers, unless authorized to do so for resource management or other lawful purpose, provided that small fires for culinary purposes may be prohibited for limited periods at any location where deemed necessary for the protection of the park, park employees, the participants or other park visitors.
- (b) All fires shall be completely extinguished by the person starting or using the same, before leaving the immediate vicinity of such fire. No person shall dump hot ashes or fire from portable picnic grills onto any grass, plants or into any body of water.
- (c) No person shall place or maintain a portable stove, cooker or grill in or under any shelter or on an adjacent patio or on any deck or on any picnic table.
- (d) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **509.08 SALES REQUIRE PRIOR PERMIT.**

- (a) No person shall solicit, beg, hawk, peddle or sell anything of value or service within the park, without a prior permit.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **509.09 RIOT.**

- (a) No person shall participate with four or more others in a course of disorderly conduct in violation of Section 509.01:
  - (1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;
  - (2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede or obstruct a function of government;
  - (3) With purpose to hinder, impede or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.
- (b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.
- (c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree.  
(ORC 2917.03)

#### **509.10 INCITING TO VIOLENCE.**

- (a) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence, when either of the following apply:
  - (1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed;
  - (2) The conduct proximately results in the commission of any offense of violence.
- (b) Whoever violates this section is guilty of inciting to violence. If the offense of violence that the other person is being urged or incited to commit is a misdemeanor, inciting to violence is a misdemeanor of the first degree.  
(ORC 2917.01)

#### **509.11 DISTURBING A LAWFUL MEETING.**

- (a) No person, with purpose to prevent or disrupt a lawful meeting, procession or gathering, shall do either of the following:
  - (1) Do any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;

- (2) Make any utterance, gesture or display which outrages the sensibilities of the group.
- (b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree.  
(ORC 2917.12)

#### **509.12 MISCONDUCT AT AN EMERGENCY.**

- (a) No person shall knowingly do any of the following:
    - (1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;
    - (2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;
    - (3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.
  - (b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.
  - (c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this subsection, misconduct at an emergency is a misdemeanor of the fourth degree. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.
  - (d) As used in this section:
    - (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
    - (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
    - (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
- (ORC 2917.13)

#### **509.13 INDUCING PANIC.**

- (a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:
  - (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;
  - (2) Threatening to commit any offense of violence;
  - (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

- (b) Division (a) hereof does not apply to any person conducting an authorized fire or emergency drill.
- (c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of one thousand dollars (\$1,000) or more, if the public place involved in a violation of this section is a school or an institution of higher education, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.
- (d) Any act that is a violation of this section and any other section of the Park District Regulations may be prosecuted under this section, the other section, or both sections.
- (e) As used in this section:
  - (1) "Economic harm" means any of the following:
    - A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:
      - 1. All wages, salaries, or other compensation lost as a result of the criminal conduct;
      - 2. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
      - 3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
      - 4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
    - B. All costs incurred by the Park District as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.14, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.
  - (2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.
  - (3) "Weapon of mass destruction" means any of the following:
    - A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
    - B. Any weapon involving a disease organism or biological agent;
    - C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
    - D. Any of the following, except to the extent that the item or device in

question is expressly excepted from the definition of “destructive device” pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:

1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
  2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.
- (4) “Biological agent” has the same meaning as in Ohio R.C. 2917.33.
- (5) “Emergency medical services personnel” has the same meaning as in Ohio R.C. 2133.21.
- (6) “Institution of higher education” means any of the following:
- A. A state university or college as defined in Ohio R.C. 3345.12(A)(1), community college, state community college, university branch, or technical college;
  - B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713.
  - C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools under Ohio R.C. Chapter 3332. (ORC 2917.31)

#### **509.14 MAKING FALSE ALARMS.**

- (a) No person shall do any of the following:
  - (1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;
  - (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;
  - (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.
- (b) This section does not apply to any person conducting an authorized fire or emergency drill.
- (c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of one thousand dollars (\$1,000) or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.
- (d) Any act that is a violation of this section and any other section of the Park District Regulations may be prosecuted under this section, the other section, or both

sections.

- (e) As used in this section, “economic harm” and “weapon of mass destruction” have the same meanings as in Section 509.13.  
(ORC 2917.32)

#### **509.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 513 – Drug Abuse and Control**

#### **513.01 DEFINITIONS.**

As used in this chapter, certain terms are defined as follows:

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.
- (f) "Manufacturer" means a person who manufactures a controlled substance as “manufacture” is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
  - (1) “Marihuana” means all parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. “Marihuana” does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
  - (2) “Marihuana” does not include hashish. (ORC 2925.01)
- (h) “Controlled substance analog” has the same meaning as provided in Ohio R.C. 3719.01.
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are

authorized and required by Federal law.

- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
- (k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.
- (l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.
- (m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
- (n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.
- (o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.
- (p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01. (ORC 3719.01)
- (q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof. (ORC 3719.011)
- (r) "Dangerous drug" means any of the following:
  - (1) Any drug to which either of the following applies:
    - A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;
    - B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.
  - (2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;
  - (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.02)
- (s) "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 controlled substance analogs, marijuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, 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, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, 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 and the Federal Drug Abuse Control laws;
- (2) An amount equal to or exceeding one hundred twenty 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.
- (t) "Unit dose" means an amount or unit of a compound, mixture or preparation containing a controlled substance, that is separately identifiable and in a form that

indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

- (u) "Cultivate" includes planting, watering, fertilizing or tilling.
- (v) "Drug abuse offense" means any of the following:
  - (1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;
  - (2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;
  - (3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;
  - (4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.
- (w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.
- (x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any of the following:
  - (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:
    - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;
    - B. Any aerosol propellant;
    - C. Any fluorocarbon refrigerant;
    - D. Any anesthetic gas.
  - (2) Gamma Butyrolactone;
  - (3) 1,4 Butanediol.
- (y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional

authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

- (bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (cc) "Juvenile" means a person under eighteen years of age.
- (dd) "School" means any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (ee) "School premises" means either of the following:
  - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;
  - (2) Any other parcel of real property that is owned or leased by a board of education of a school, any community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (gg) "Counterfeit controlled substance" means:
  - (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or
  - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or
  - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or
  - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (hh) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one

- thousand feet of the boundaries of any school premises.
- (ii) An offense is “committed in the vicinity of a juvenile” if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
  - (jj) “Hashish” means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
  - (kk) “Public premises” means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.
  - (ll) “Methamphetamine” means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
  - (mm) “Lawful prescription” means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.
  - (nn) “Deception” and “theft offense” have the same meanings as in Ohio R.C. 2913.01. (ORC 2925.01)

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

- (a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.
- (b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree. (ORC 2925.03)

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

- (a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.
- (b) This section does not apply to the following:
  - (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
  - (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the

- project has been approved by the United States Food and Drug Administration;
- (3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
  - (4) Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.
- (c) Whoever violates subsection (a) hereof is guilty of one of the following:
- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
  - (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
    - A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
    - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
  - (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
    - A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
    - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.
- (d) Arrest or conviction for a minor misdemeanor violation of this section does not

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

#### **513.04 POSSESSING DRUG ABUSE INSTRUMENTS.**

- (a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.
- (b) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
- (c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.  
(ORC 2925.12)

#### **513.05 PERMITTING DRUG ABUSE.**

- (a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.
- (b) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02 or 2925.03, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.  
(ORC 2925.13)

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

- (a) No person shall knowingly cultivate marihuana.
- (b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.
- (c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.
  - (1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of

marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

- (2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.
- (d) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness.  
(ORC 2925.04)

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

- (a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.
- (b) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony and shall be prosecuted under appropriate State law.  
(ORC 2925.31)

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

- (a) No person shall knowingly furnish another a sample drug.
- (b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741.
- (c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:
  - (1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.
  - (2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.  
(ORC 2925.36)

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

- (a) No person shall alter, deface or remove any label affixed by a manufacturer, wholesaler, pharmacist or licensed health professional authorized to prescribe drugs who dispenses a controlled substance in a package or container, as long as any of the original contents remain, except when lawfully filling a prescription.  
(ORC 3719.08)
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense, such violation is a felony and shall be prosecuted under appropriate State law.  
(ORC 3719.99)

### **513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.**

- (a) Possession of a hypodermic is authorized for the following:
  - (1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;
  - (2) Terminal distributor of dangerous drugs, in the regular course of business;
  - (3) A person authorized to administer injections, in the regular course of the person's profession or employment;
  - (4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;
  - (5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;
  - (6) A farmer, for the lawful administration of a drug to an animal;
  - (7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.
- (b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in the person's possession from theft or acquisition by any unauthorized person.  
(ORC 3719.172)
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.05, 3719.06, 3719.13, 3719.172(B) or (E), or 3719.31 or a drug abuse offense, a violation is a misdemeanor of the first degree.  
(ORC 3719.99)

### **513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.**

- (a) As used in this section, "motor vehicle" and "roadway" have the same meanings as in Chapter 301 of the Traffic Code.
- (b) Unless authorized under Ohio R.C. Chapter 3719, 4715, 4729, 4731, 4741 or 4765, no person shall possess an open cartridge of nitrous oxide in either of the following circumstances:
  - (1) While operating or being a passenger in or on a motor vehicle on a roadway, or other public property open to the public for purposes of vehicular traffic or parking;
  - (2) While being in or on a stationary motor vehicle on a roadway, or other public property open to the public for purposes of vehicular traffic or parking.
- (c) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree.  
(ORC 2925.33)

### **513.12 DRUG PARAPHERNALIA.**

- (a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:
  - (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
  - (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
  - (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
  - (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
  - (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance;
  - (6) A scale or balance for weighing or measuring a controlled substance;
  - (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
  - (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marijuana;
  - (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;

- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
  - (11) A container or device for storing or concealing a controlled substance;
  - (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
  - (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.
- (b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:
- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
  - (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
  - (3) The proximity of the equipment, product or material to any controlled substance;
  - (4) The existence of any residue of a controlled substance on the equipment, product or material;
  - (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
  - (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
  - (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
  - (8) National or local advertising concerning the use of the equipment, product or material;
  - (9) The manner and circumstances in which the equipment, product or material is displayed for sale;
  - (10) Direct or circumstantial evidence of the ratio of the sales of the equipment,

- product or material to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
- (12) Expert testimony concerning the use of the equipment, product or material.
- (c) (1) Subject to subsection (d)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.
- (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
- (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
- (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marijuana.
- (e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.
- (f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
- (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
- (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
- (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree. (ORC 2925.14)

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

- (a) As used in this section, "drug paraphernalia" has the same meaning as in Section 513.12.
- (b) In determining if any equipment, product, or material is drug paraphernalia, a court

or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in subsection (b) of Section 513.12.

- (c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.
- (d) This section does not apply to any person identified in subsection (d)(1) of Section 513.12 and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
- (e) 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 shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. 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)

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

- (a) 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, park district or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, park district, 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.
- (b) 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)

#### **513.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 517 – Gambling**

#### **517.01 DEFINITIONS.**

As used in this chapter:

- (a) "Bookmaking" means the business of receiving or paying off bets.
- (b) "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.
- (c) "Scheme of chance" means 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:
  - (1) Less than fifty per cent 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;
  - (2) Less than fifty per cent 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;
  - (3) More than fifty per cent 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;
  - (4) 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;
  - (5) 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;

- (6) A participant may use the electronic device to purchase additional game entries;
  - (7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
  - (8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or
  - (9) 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.
  - (10) 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.
- (d) "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.
- (e) "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.
- (f) "Gambling device" means any of the following:
- (1) A book, totalizer or other equipment 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.
- (g) "Gambling offense" means the following:
- (1) A violation of Ohio R.C. 2915.02 to 2915.092, 2915.10 or 2915.11;
  - (2) A violation of an existing or former park district regulation, municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof 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 park district regulation, municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
  - (4) A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.
- (h) "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.  
(ORC 2915.01)

## **517.02 GAMBLING.**

- (a) No person shall engage in bookmaking, betting, schemes of chance, games of chance,

possess or use a gambling device or shall engage in any other gambling in any form on park district property except as authorized by a permit from the Executive Director for charitable purposes as expressly permitted by law.

- (b) 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)

#### **517.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 521 - Health, Safety and Sanitation**

#### **521.01 LITTER AND DEPOSIT THEREOF.**

- (a) As used in this section:
  - (1) "Litter" means material of any kind, including without limitation, garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass the residue of foods, edibles and liquids which is being discarded, or other refuse or lawn waste or anything else of an unsightly or unsanitary nature.
  - (2) "Deposit" means to discard, drop, throw or place in a litter receptacle in a manner that prevents its being carried away by the elements.
  - (3) "Litter receptacle" means a dumpster, trash, garbage, or litter can, bin, or similar container in which litter is meant to be deposited for removal.
- (b)
  - (1) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any Park District property, or in or on waters of the Park District.
  - (2) No person shall discard litter, except to deposit litter from a picnic, camp, or other permitted activity in a litter receptacle provided for such purpose.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this subsection, require a person who violates this section to remove litter from any public or private property, or in or on waters of the Park District.  
(ORC 3767.99)

#### **521.02 REMOVAL OF BARRICADES OR WARNING LIGHTS.**

- (a) No person shall destroy, remove, damage or extinguish any barricade or sign or warning light that is placed for the protection of the public.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for

each subsequent offense.  
(ORC 1545.99)

### **521.03 WATER POLLUTION.**

- (a) No person shall pollute a wetland, stream, lake, river, pond, reservoir or any other areas of the Park District, by putting therein a harmful, putrid, or offensive substance.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

### **521.04 USE OF TOBACCO AND ELECTRONIC CIGARETTES ON STARK COUNTY PARK DISTRICT PROPERTY.**

- (a) Definitions.
  - (1) Tobacco Product means:
    - A. A cigar.
    - B. Smoking tobacco, including granulated, plug-cut, crimp-cut, ready- rubbed and any form of tobacco suitable for smoking in a pipe or as a cigarette; or
    - C. An article or product that is made of tobacco or a tobacco substitute and that is not a cigarette.
  - (2) Electronic Cigarette means:
    - A. Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor
- (b) Violation. A person commits an offense if the person uses a tobacco product or electronic cigarette in the following places:
  - A. In any building
  - B. Within 30 feet of any building entrance
  - C. In areas designated as "Tobacco / Vapor Free"
  - D. In any park designated by the park board as a "Tobacco / Vapor Free Park"
- (c) Posting of Signs. The Park Director shall arrange for erecting or posting of signs indicating that smoking is prohibited in designated areas or parks.
- (d) Penalties. An offense under this Code is an unclassified misdemeanor punishable by a fine not to exceed one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000.00) for each subsequent offense.  
(ORC 1545.99)
- (e) Severability. If any provision or part thereof, in this Code shall be held invalid or unconstitutional by a court of competent jurisdiction, then that adjudication shall not affect the validity of the Code as a whole or of any section, provision or part thereof

not adjudged invalid or unconstitutional.

#### **521.05 TAMPERING, DAMAGING OR REMOVING PARK LOCK OR GATE**

- (a) No person, without privilege do to so, shall destroy, remove, damage, tamper with or disengage any park lock or gate.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **521.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 525 - Law Enforcement and Public Office**

#### **525.01 DEFINITIONS.**

As used in this chapter:

- (a) "Public official" means any elected or appointed officer, or employee, or agent of the State or any political subdivision thereof, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges and law enforcement officers. "Public official" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.
- (b) "Public servant" means any of the following:
  - (1) Any public official;
  - (2) Any person performing ad hoc governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor or consultant;
  - (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this subsection if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general or special election, or if the person campaigns as a write-in candidate in any primary, general or special election. "Public servant" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.
- (c) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this State, by virtue of which the person directs,

conducts or participates in directing or conducting party affairs at any level of responsibility.

- (d) "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.
- (e) "Detention" means arrest, confinement in any vehicle subsequent to an arrest, confinement in any public or private facility for custody of persons charged with or convicted of a crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States; hospitalization, institutionalization or confinement in any public or private facility that is ordered pursuant to or under the authority of Ohio R.C. 2945.37, 2945.371, 2945.38, 2945.39 or 2945.40, 2945.401 or 2945.402; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation, except as provided in this subsection, supervision by any employee of any facility of any of those natures; that is incidental to hospitalization, institutionalization or confinement in the facility but that occurs outside the facility; supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release from a State correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this State into this State by a private person or entity pursuant to a contract entered into under Ohio R.C. 311.29(E) or Ohio R.C. 5149.03(B). For a person confined in a county jail who participates in a county jail industry program pursuant to Ohio R.C. 5147.30, "detention" includes time spent at an assigned work site and going to and from the work site.
- (f) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States.
- (g) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.
- (h) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party" and "political contributing entity" have the same meanings as in Ohio R.C. 3517.01.
- (i) "Provider agreement" has the same meaning as in Ohio R.C. 5164.01. (ORC 2921.01)

## **525.02 COMPLIANCE WITH LAWFUL ORDER; RESISTING OR ABUSING OFFICER.**

- (a) No person shall fail or refuse to comply with any lawful order given by any ranger, or willfully resist, obstruct or abuse any ranger or any other official in the execution of

- his office.
- (b) No person, without privilege to do so, shall do any act which hampers or impedes any park employee or any other official in the execution of his office.
  - (c) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 2921.331)

### **525.03 FALSIFICATION.**

- (a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:
  - (1) The statement is made in any official proceeding.
  - (2) The statement is made with purpose to incriminate another.
  - (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
  - (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance as defined in Ohio R.C. 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.
  - (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.
  - (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
  - (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
  - (8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.
  - (9) The statement is made with purpose to commit or facilitate the commission of a theft offense.
  - (10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.
  - (11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.
  - (12) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

- (b) It is no defense to a charge under subsection (a)(6) hereof that the oath or affirmation was administered or taken in an irregular manner.
- (c) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.
- (d) (1) Whoever violates any provision of subsection (a)(1) to (8) or (10) to (12) hereof is guilty of falsification, a misdemeanor of the first degree.  
(2) Whoever violates subsection (a)(9) hereof is guilty of falsification in a theft offense, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars (\$1,000) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State law.
- (e) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this section. A civil action under this section is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.  
(ORC 2921.13)

#### **525.04 IMPERSONATION OF PEACE OFFICER.**

- (a) As used in this section:
  - (1) "Peace officer" means a ranger, sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation or township constable who is employed by a political subdivision of this State; a member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D); a member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y), a State university law enforcement officer appointed under Ohio R.C. 3345.04; a veterans' home police officer appointed under Ohio R.C. 5907.02; a special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28; an officer, agent, or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within limits of that statutory duty and authority; or a State highway patrol trooper whose primary duties are to preserve the peace, to protect life and property and to enforce the laws, ordinances or rules of the State or any of its political subdivisions.
  - (2) "Private police officer" means any security guard, special police officer, private detective or other person who is privately employed in a police capacity.
  - (3) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension or detention of individuals suspected or convicted of offenses

under the criminal laws of the United States.

- (4) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.
- (5) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.
- (b) No person shall impersonate a peace officer, private police officer, a federal law enforcement officer or investigator of the Bureau of Criminal Identification and Investigation.
- (c) No person, by impersonating a peace officer, a private police officer, a federal law enforcement officer, or Investigator of the Bureau of Criminal Identification and Investigation, shall arrest or detain any person, search any person or search the property of any person.
- (d) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private police officer, a federal law enforcement officer or investigator of the Bureau of Criminal Identification and Investigation or an officer, agent or employee of the State or the Park District.
- (e) It is an affirmative defense to a charge under subsection (b) hereof that the impersonation of the peace officer was for a lawful purpose.
- (f) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (c) or (d) hereof is guilty of a misdemeanor of the first degree. If the purpose of a violation of subsection (d) hereof is to commit or facilitate the commission of a felony, such violation is a felony and shall be prosecuted under appropriate State law.  
(ORC 2921.51)

#### **525.05 COMPOUNDING A CRIME.**

- (a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.
- (b) It is an affirmative defense to a charge under this section when both of the following apply:
  - (1) The pending prosecution involved is for violation of Sections 545.05, 545.07, 545.09 or 545.10(b)(2), or Ohio R.C. 2913.02, 2913.11, 2913.21(B)(2) or 2913.47, of which the actor under this section was the victim.
  - (2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him as restitution for the loss caused him by the offense.
- (c) When a prosecuting witness abandons or agrees to abandon a prosecution under subsection (b) hereof, the abandonment or agreement in no way binds the State or Park District to abandoning the prosecution.

- (d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree.  
(ORC 2921.21)

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

- (a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.
- (b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor.  
(ORC 2921.23)

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

- (a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.
- (b) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this subsection (b), obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony and shall be prosecuted under appropriate State law.  
(ORC 2921.31)

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

- (a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a misdemeanor, or to assist another to benefit from the commission of a misdemeanor, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a misdemeanor or to assist a child to benefit from the commission of an act that if committed by an adult would be a misdemeanor, shall do any of the following:
  - (1) Harbor or conceal the other person or child;
  - (2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
  - (3) Warn the other person or child of impending discovery or apprehension;
  - (4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any

- person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
- (5) Communicate false information to any person.
  - (6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.
- (b) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for committing, a violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed. The crime or act the person or child aided committed shall be used under subsection (c) hereof in determining the penalty for the violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.
- (c) (1) Whoever violates this section is guilty of obstructing justice.  
(2) If the crime committed by the person aided is a misdemeanor or if the act committed by the child aided would be a misdemeanor if committed by an adult, obstructing justice is a misdemeanor of the same degree as the misdemeanor committed by the person aided or a misdemeanor of the same degree that the act committed by the child aided would be if committed by an adult.
- (d) As used in this section:  
(1) "Adult" and "child" have the same meanings as in Ohio R.C. 2151.011.  
(2) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.  
(ORC 2921.32)

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

- (a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another.
- (b) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.
- (c) Whoever violates this section is guilty of resisting arrest. A violation of subsection (a) hereof is a misdemeanor of the second degree. A violation of subsection (b) hereof is a misdemeanor of the first degree.  
(ORC 2921.33)

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

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

enforcement agency or an organization of law enforcement officers, a minor misdemeanor.  
(ORC 2913.441)

#### **525.11 ASSAULTING RANGER DOG OR HORSE OR AN ASSISTANCE DOG.**

- (a) No person shall knowingly cause, or attempt to cause, physical harm to a ranger dog or horse in either of the following circumstances:
  - (1) The ranger dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.
  - (2) The ranger dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a ranger dog or horse.
- (b) No person shall recklessly do any of the following:
  - (1) Taunt, torment, or strike a ranger dog or horse;
  - (2) Throw an object or substance at a ranger dog or horse;
  - (3) Interfere with or obstruct a ranger dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a ranger dog or horse, in a manner that does any of the following:
    - A. Inhibits or restricts the law enforcement officer's control of the ranger dog or horse;
    - B. Deprives the law enforcement officer of control of the ranger dog or horse;
    - C. Releases the ranger dog or horse from its area of control;
    - D. Enters the area of control of the ranger dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;
    - E. Inhibits or restricts the ability of the ranger dog or horse to assist a law enforcement officer.
  - (4) Engage in any conduct that is likely to cause serious physical injury or death to a ranger dog or horse.
  - (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a ranger dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a ranger dog or horse.
- (c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:
  - (1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

- (2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.
- (d) No person shall recklessly do any of the following:
- (1) Taunt, torment, or strike an assistance dog;
  - (2) Throw an object or substance at an assistance dog;
  - (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:
    - A. Inhibits or restricts the assisted or served person's control of the dog;
    - B. Deprives the assisted or served person of control of the dog;
    - C. Releases the dog from its area of control;
    - D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
    - E. Inhibits or restricts the ability of the dog to assist the assisted or served person.
  - (4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;
  - (5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.
- (e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a ranger dog or horse. If the violation results in physical harm to the ranger dog or horse, assaulting a ranger dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the ranger dog or horse, assaulting a ranger dog or horse is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the ranger dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (b) hereof is guilty of harassing a ranger dog or horse. Except as otherwise provided in this subsection, harassing a ranger dog or horse is a misdemeanor of the second degree. If the violation results in the death of the ranger dog or horse or if the violation results in serious physical harm to the ranger dog or horse but does not result in its death, harassing a ranger dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the ranger dog or horse but does not result in its death or in serious physical harm to it, harassing a ranger dog or horse is a misdemeanor of the first degree.
- (3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If

the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.

(4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:

- A. Any veterinary bill or bill for medication incurred as a result of the violation by the Ranger Department regarding a violation of subsection (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;
  - B. The cost of any damaged equipment that results from the violation;
  - C. If the violation did not result in the death of the ranger dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a ranger dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;
  - D. If the violation resulted in the death of the ranger dog or horse or the assistance dog that was the subject of the violation or resulted in serious physical harm to that dog or horse to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new ranger dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.
- (f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.
- (g) This section only applies to an offender who knows or should know at the time of the violation that the ranger dog or horse or assistance dog that is the subject of a violation under this section is a ranger dog or horse or assistance dog.

- (h) As used in this section:
- (1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.
  - (2) "Ranger dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.
  - (3) "Serious physical harm" means any of the following:
    - A. Any physical harm that carries a substantial risk of death;
    - B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;
    - C. Any physical harm that causes acute pain of a duration that results in substantial suffering.
  - (4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.  
(ORC 2921.321)

#### **525.12 FALSE ALLEGATION OF PEACE OFFICER MISCONDUCT.**

- (a) As used in this section, "peace officer" has the same meaning as in Ohio R.C. 2935.01.
- (b) No person shall knowingly file a complaint against a peace officer that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows that the allegation is false.
- (c) Whoever violates this section is guilty of making a false allegation of peace officer misconduct, a misdemeanor of the first degree.  
(ORC 2921.15)

#### **525.13 REFUSAL TO DISCLOSE PERSONAL INFORMATION IN PUBLIC PLACE.**

- (a) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following:
  - (1) The person is committing, has committed, or is about to commit a criminal offense.
  - (2) The person witnessed any of the following:
    - A. An offense of violence that would constitute a felony under the laws of this State;
    - B. A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property;
    - C. Any attempt or conspiracy to commit, or complicity in committing, any offense identified in subsection (a)(2)A. or B. of this section;
    - D. Any conduct reasonably indicating that any offense identified in subsection (a)(2)A. or B. of this section or any attempt, conspiracy, or complicity described in subsection (a)(2)C. of this section has been, is being, or is about to be committed.

- (b) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.
- (c) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth or for refusing to describe the offense observed.
- (d) It is not a violation of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing.  
(ORC 2921.29)

#### **525.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 529 - Liquor Control**

#### **529.01 DEFINITIONS.**

As used in the Park District Regulations:

- (a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
- (b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (c) hereof, 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. Such phrase includes cider and alcohol and all solids and confections which contain one-half of one percent or more of alcohol by volume.
- (c) "Beer" includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more, but not more than twelve percent (12%) of alcohol by volume.
- (d) "Person" includes firms and corporations.
- (e) "Low-alcohol beverage" means 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 subsection (e) hereof do not include a soft drink such as root beer, birch beer, or ginger beer.  
(ORC 4301.01)

#### **529.02 CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES.**

- (a) No person shall consume or possess any alcoholic beverages in the Park District, except within a park facility or area pursuant to a permit issued by the Ohio Department of Liquor Control, at a pre-authorized area or at a pre-authorized area that has been temporarily reserved by a person or persons to the exclusion of the general public as authorized by a permit from the Park District.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

### **529.03 SALES TO AND USE BY UNDERAGE PERSONS.**

- (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.
- (b) 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).
- (c) No person who is the occupant of any public 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.
- (d) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor, in any public place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in this subsection (c) hereof against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.
- (e) No parent, spouse who is not an underage person or legal guardian of a minor shall knowingly permit the minor to violate this section or Section 529.021(a) to (c).
- (f) As used in this section:
  - (1) "Drug of abuse" has the same meaning as in Ohio R.C. 3719.011.
  - (2) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in Ohio R.C. 4729.01.

- (3) "Minor" means a person under the age of eighteen years.
- (4) "Underage person" means a person under the age of twenty-one years. (ORC 4301.69)
- (g) Whoever violates this section is guilty of a misdemeanor of the first degree. In addition, whoever violates subsection (a) hereof shall be fined not less than five hundred dollars (\$500.00). (ORC 4301.99)

#### **529.04 PURCHASE BY MINOR; MISREPRESENTATION.**

- (a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall purchase beer or intoxicating liquor. (ORC 4301.63)
- (b) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift. (ORC 4301.633)
- (c) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall knowingly show or give false information concerning the person's name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place where beer or intoxicating liquor is sold under a permit issued by the Division of Liquor Control or sold by the Division of Liquor Control. (ORC 4301.634)
- (d) (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the first degree.  
(2) Whoever violates subsection (a) 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 (a) 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.  
(3) A. Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. If, in committing a first violation of that subsection, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000) and may be sentenced to a term of imprisonment of not more than six months.  
B. On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five

hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7).

C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. Except as provided in this subsection, the court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court, in lieu of suspending the offenders temporary instruction permit, probationary driver's license or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.  
(ORC 4301.99)

#### **529.05 SALES TO INTOXICATED PERSONS.**

- (a) No permit holder and no agent or employee of a permit holder shall sell or furnish beer or intoxicating liquor to an intoxicated person. (ORC 4301.22)
- (b) Whoever violates this section is guilty of a misdemeanor of the third degree.  
(ORC 4301.99)

#### **529.06 LIQUOR CONSUMPTION IN MOTOR VEHICLE.**

- (a) No person shall consume any beer or intoxicating liquor in a motor vehicle.
- (b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree.
- (c) If an offender who violates this section was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. In lieu of suspending the offender's temporary instruction permit, probationary driver's license or driver's license, the court may instead require the offender to perform community service for a number of hours to be determined by the court. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the

offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.  
(ORC 4301.99)

**529.07 LIQUOR CONTROL PERMIT REQUIRED.**

- (a) No person personally or by the person's clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this Park District, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol on or into this Park District for delivery, use or sale, unless the person has fully complied with Ohio R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Division of Liquor Control and in force at the time.  
(ORC 4303.25)
- (b) Whoever violates this section is guilty of a minor misdemeanor.

**529.08 LOW-ALCOHOL BEVERAGES: SALE TO AND PURCHASE BY UNDERAGE PERSONS PROHIBITED.**

- (a) As used in this section, "underage person" means a person under eighteen years of age.
- (b) No underage person shall purchase any low-alcohol beverage.
- (c) No underage person shall order, pay for, share the cost of, or attempt to purchase any low-alcohol beverage.
- (d) No person shall knowingly furnish any false information as to the name, age, or other identification of any underage person for the purpose of obtaining or with the intent to obtain any low-alcohol beverage for an underage person, by purchase or as a gift.
- (e) No underage person shall knowingly show or give false information concerning the person's name, age, or other identification for the purpose of purchasing or otherwise obtaining any low-alcohol beverage in any place in this Park District.
- (f) No person shall sell or furnish any low-alcohol beverage to, or buy any low-alcohol beverage for, 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 accompanied by a parent, spouse who is not an underage person, or legal guardian.
- (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)

#### **529.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 533 – Obscenity and Sex Offenses**

#### **533.01 DEFINITIONS.**

As used in this chapter:

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

in any form to which all of the following apply:

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

- (l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
  - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
  - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
  - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (m) "Minor" means a person under the age of eighteen years.
- (n) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (o) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
- (p) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained. (ORC 2907.01)

#### **533.02 SOLICITATION OF SEXUAL ACTIVITY.**

- (a) No person shall solicit sexual activity from any other person. "Sexual activity" as used herein means sexual conduct or sexual contact or both.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **533.03 USING RESTROOM FACILITIES.**

- (a) No person, except rangers or other park employees or children of tender age accompanied by a supervising adult of the posted sex shall enter a restroom posted for the opposite sex.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **533.04 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.**

- (a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.
- (b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12,

unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law.  
(ORC 2907.04)

### **533.05 SEXUAL IMPOSITION.**

- (a) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:
  - (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
  - (2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
  - (3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.
  - (4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
  - (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.
- (b) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.
- (c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or 2907.12, or a substantially similar park regulation or municipal ordinance, a violation of this section is a misdemeanor of the first degree.  
(ORC 2907.06)

### **533.06 VOYEURISM.**

- (a) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.
- (b) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to

videotape, film, photograph, or otherwise record the other person in a state of nudity.

- (c) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.
  - (d) Whoever violates this section is guilty of voyeurism.
    - (1) A violation of subsection (a) hereof is a misdemeanor of the third degree.
    - (2) A violation of subsection (b) hereof is a misdemeanor of the second degree.
    - (3) A violation of subsection (c) hereof is a misdemeanor of the first degree.
- (ORC 2907.08)

### **533.07 PUBLIC INDECENCY.**

- (a) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others, who are in the person's physical proximity and who are not members of the person's household:
  - (1) Expose the person's private parts;
  - (2) Engage in sexual conduct or masturbation;
  - (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.
- (b) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is a minor, who is not the spouse of the offender, and who resides in the person's household:
  - (1) Engage in masturbation;
  - (2) Engage in sexual conduct;
  - (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
  - (4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.
- (c) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in subsections (c)(2), (3), (4) and (5) of this section.
  - (2) Except as otherwise provided in subsection (c)(2) of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the first degree or, if any person

who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

(3) Except as otherwise provided in subsection (c)(3) of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

(4) Except as otherwise provided in subsection (c)(4) of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (b)(1), (2) or (3) of this section is a felony and shall be prosecuted under appropriate state law.

(5) A violation of subsection (b)(4) of this section is a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to any violation of this section in which case the violation is a felony and shall be prosecuted under appropriate state law.

(ORC 2907.09)

### **533.08 PROCURING.**

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

engages in sexual activity for hire in premises used in violation of subsection (b) of this section is sixteen or seventeen years of age at the time of the violation, procuring is a felony and shall be prosecuted under appropriate state law.  
(ORC 2907.23)

### **533.09 SOLICITING.**

- (a) No person shall solicit another to engage with such other person in sexual activity for hire.
- (b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree.
- (c) If a person is convicted of or pleads guilty to a violation of any provision of this section or an attempt to commit a violation of any provision of this section, and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. In lieu of imposing upon the offender the class six suspension, the court instead may require the offender to perform community service for a number of hours determined by the court.  
(ORC 2907.24)

### **533.10 LOITERING TO ENGAGE IN SOLICITATION.**

- (a) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:
  - (1) Beckon to, stop or attempt to stop another;
  - (2) Engage or attempt to engage another in conversation;
  - (3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;
  - (4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;
  - (5) Interfere with the free passage of another.
- (b) As used in this section:
  - (1) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
  - (2) "Public place" means any of the following:
    - A. A street, road, highway, thoroughfare, bikeway, walkway, trail, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot, or transportation facility;
    - B. A doorway or entrance way to a building that fronts on a place described in

subsection (b)(2)A. hereof;

C. A place not described in subsection (b)(2)A. or B. hereof that is open to the public.

(c) Whoever violates subsection (a) hereof is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.

(ORC 2907.241)

#### **533.10 PROSTITUTION.**

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

(b) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree.

(ORC 2907.25)

#### **533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.**

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

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or the defendant's agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

(c) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or

performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.

(2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.

(d) (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.

(2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:

A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.

B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

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

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

(ORC 2907.31)

#### **533.99 PENALTY.**

(a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 537 – Offenses Against Persons**

#### **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 or park regulation that, regardless of the penalty set by ordinance or regulation 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.

- (c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:
  - (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.
  - (2) At the time of the offense, the offender was driving under suspension or cancellation 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.
- (d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.
- (e) As used in this section:
  - (1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
  - (2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.
  - (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
  - (4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance or park regulation pertaining to speed.
- (f) For the purposes of this section, when a penalty or suspension is enhanced because

of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance or park regulation, former law of this State, or current or former law of another state or the United States.

(ORC 2903.06)

- (g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 under similar circumstances.

(ORC 4510.07)

### **537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.**

- (a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.
- (b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.
- (c) In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.
- (d) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.
- (e) This section does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27.
- (f) As used in this section:

- (1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.
  - (2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.
  - (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
  - (4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.
- (g) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance or park regulation, former law of this State, or current or former law of another state or the United States.
- (ORC 2903.08)

### **537.03 ASSAULT.**

- (a) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.
- (b) No person shall recklessly cause serious physical harm to another or to another's unborn.
- (c)
  - (1) Whoever violates this section is guilty of assault, a misdemeanor of the first degree, and the court shall sentence the offender as provided in subsection (c) hereof. If the assault was committed under the circumstances provided in subsection (c)(2), (3), (4), (5), (6), (7), (8) or (9) hereof, assault is a felony and shall be prosecuted under appropriate State law.
  - (2) Except as otherwise provided in this subsection, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care.
  - (3) If the offense occurs in or on the grounds of a State correctional institution or an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction or the Department of Youth Services, and the offense is committed by a person incarcerated in the State correctional institution or by a person institutionalized in the Department of Youth Services Institution pursuant to a commitment to the Department of Youth Services.
  - (4) If the offense is committed in any of the following circumstances:
    - A. The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.
    - B. The offense occurs off the grounds of a State correctional institution and off the grounds of an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation

and Correction, the Department of Youth Services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a State correctional institution or institutionalized in the Department of Youth Services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

- C. The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
  - D. The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.
- (5) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties.
  - (6) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation and if the victim suffered serious physical harm as a result of the commission of the offense.
  - (7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties.
  - (8) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital; a health

care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers or officers, assault is one of the following:

- A. Except as otherwise provided in subsection (c)(8)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, in sentencing the offender under this subsection and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).
- B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony.

(9) If the victim of the offense is a judge, magistrate, prosecutor or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following:

- A. Except as otherwise provided in subsection (c)(9)B. of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this subsection, if the court decides to impose a fine, notwithstanding the fine specified in division (A)(2)(b) of Ohio R.C. 2929.28 for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars (\$5,000).
- B. If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony.

(10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in Ohio R.C. 2941.1423 that was included in the indictment, count in the indictment or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of Ohio R.C. 2929.24.

(d) As used in this section:

- (1) "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
- (2) "Firefighter" has the same meaning as in Ohio R.C. 3937.41.
- (3) "Emergency medical service" has the same meaning as in Ohio R.C. 4765.01.
- (4) "Local correctional facility" means a park, county, multicounty, municipal, municipal-county or multicounty-municipal jail or workhouse. A minimum security jail established under Ohio R.C. 341.23 or 753.21, or another park, county, multicounty, municipal, municipal-county, or multicounty- municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

- (5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.
- (6) "School teacher or administrator" means either of the following:
  - A. A person who is employed in the public schools of the State under a contract described in Ohio R.C. 3311.77 or 3319.08 in a position in which the person is required to have a certificate issued pursuant to Ohio R.C. 3319.22 to 3319.311.
  - B. A person who is employed by a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and who is certified in accordance with Ohio R.C. 3301.071.
- (7) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01.
- (8) "Escorted visit" means an escorted visit granted under Ohio R.C. 2967.27.
- (9) "Post-release control" and "transitional control" have the same meanings as in Ohio R.C. 2967.01.
- (10) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.
- (11) "Health care professional" and "health care worker" have the same meanings as in Ohio R.C. 2305.234.
- (12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13 or 2903.14 committed in circumstances in which all of the following apply:
  - A. The victim of the offense was a health care professional of a hospital, a health care worker of a hospital or a security officer of a hospital.
  - B. The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital;
  - C. The victim was engaged in the performance of the victim's duties.
  - D. The hospital offered de-escalation or crisis intervention training for such professionals, workers or officers.
- (13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.
- (14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13 or 2903.14 committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's

duties.

- (15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this State or of a United States court located in this State.
- (16) "Judge" means a judge of a court created under the constitution or statutes of this State or of a United States court located in this State.
- (17) "Magistrate" means an individual who is appointed by a court of record of this State and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this State who has similar powers and functions.
- (18) "Prosecutor" has the same meaning as in Ohio R.C. 2935.01.
- (19) A. "Hospital" means, subject to subsection (d)(19)B. of this section, an institution classified as a hospital under Ohio R.C. 3701.01 in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.  
B. "Hospital" does not include any of the following:
  - 1. A facility licensed under Ohio R.C. Chapter 3721, a health care facility operated by the Department of Mental Health or the Department of Developmental Disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;
  - 2. An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under Section 501 of the "Internal Revenue Code of 1986", 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of Ohio R.C. 4723.32 from the licensing requirements of Ohio R.C. Chapter 4723.
- (20) "Health maintenance organization" has the same meaning as in Ohio R.C. 3727.01.  
(ORC 2903.13)

#### **537.04 NEGLIGENT ASSAULT.**

- (a) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in Section 549.01 cause physical harm to another or to another's unborn.
- (b) Whoever violates this section is guilty of negligent assault, a misdemeanor of the third degree.  
(ORC 2903.14)

#### **537.05 AGGRAVATED MENACING.**

- (a) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.
- (b) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this subsection (b), aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony and shall be prosecuted under appropriate State law.  
(ORC 2903.21)

### **537.051 MENACING BY STALKING.**

- (a) (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.  
(2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of subsection (a)(1) of this section.  
(3) No person, with sexual motivation, shall violate subsection (a)(1) or (2) of this section.
- (b) Whoever violates this section is guilty of menacing by stalking.
  - (1) Except as otherwise provided in subsections (b)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.
  - (2) Menacing by stalking is a felony and shall be prosecuted under appropriate State law if any of the following applies:
    - A. The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of Section 541.071.
    - B. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.
    - C. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the

victim lives, is employed, or attends school.

- D. The victim of the offense is a minor.
  - E. The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.
  - F. While committing the offense under subsection (a)(1) of this section or a violation of subsection (a)(3) of this section is based on conduct in violation of subsection (a)(1) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Subsection (b)(2)F. of this section does not apply in determining the penalty for a violation of subsection (a)(2) of this section or a violation of subsection (a)(3) of this section based on conduct in violation of subsection (a)(1) of this section.
  - G. At the time of the commission of the offense, the offender was the subject of a protection order issued under Ohio R.C. 2903.213 or 2903.214, regardless of whether the person to be protected under the order is the victim of the offense or another person.
  - H. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or as a result of an offense committed under subsection (a)(2) of this section, or an offense committed under subsection (a)(3) of this section based on a violation of subsection (a)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.
  - I. Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.
- (3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities, or duties, menacing by stalking is a felony and shall be prosecuted under appropriate State law.
- (c) Ohio R.C. 2919.271 applies in relation to a defendant charged with a violation of this section.
- (d) As used in this section:
- (1) "Pattern of conduct" means two or more actions or incidents closely related in

time, whether or not there has been a prior conviction based on any of those actions or incidents. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages or receipts of information or data through the use of an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct".

- (2) "Mental distress" means any of the following:
    - A. Any mental illness or condition that involves some temporary substantial incapacity;
    - B. Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.
  - (3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
  - (4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
  - (5) "Public official" has the same meaning as in Ohio R.C. 2921.01.
  - (6) "Computer", "computer network", "computer program", "computer system" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
  - (7) "Post a message" means transferring, sending, posting, publishing, disseminating or otherwise communicating, or attempting to transfer, send, post, publish, disseminate or otherwise communication, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.
  - (8) "Third person" means, in relation to conduct as described in subsection (a)(2) of this section, an individual who is neither the offender nor the victim of the conduct.
  - (9) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
- (e) The Park District does not need to prove in a prosecution under this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in subsection (d)(2)B. of this section.
- (f) (1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.

In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section.

(2) Subsection (f)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.

(3) Subsection (f)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature.

(ORC 2903.211)

#### **537.06 MENACING.**

- (a) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.
- (b) Whoever violates this section is guilty of menacing. Except as otherwise provided in this subsection (b), menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing is a felony and shall be prosecuted under appropriate State law.

(ORC 2903.22)

#### **537.07 ENDANGERING CHILDREN.**

- (a) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection or support. It is not a violation of a duty of care, protection or support under this subsection when the parent, guardian, custodian or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

- (b) No person shall abuse a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age.
- (c) (1) No person shall operate a vehicle in violation of Section 333.07(a) of the Traffic Code when one or more children under eighteen years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of subsection (c) hereof and a violation of Section 333.07(a) of the Traffic Code that constitutes the basis of the charge of the violation of subsection (c) hereof. For purposes of Ohio R.C. 4511.191 to 4511.197 and all related provisions of law, a person arrested for a violation of subsection (c) hereof shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for 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.
  - (2) As used in subsection (c) hereof:
    - A. "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.
    - B. "Vehicle" has the same meaning as in Ohio R.C. 4511.01.
- (d) Whoever violates this section is guilty of endangering children.
  - (1) Whoever violates subsection (a) or (b) hereof is guilty of a misdemeanor of the first degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section, Ohio R.C. 2919.22 or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child, endangering children is a felony and shall be prosecuted under appropriate State law.
  - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Endangering children is a felony and shall be prosecuted under appropriate State law if either of the following applies:
    - A. The violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under Ohio R.C. 2919.22 or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child.
    - B. The violation results in serious physical harm to the child involved and the offender previously has been convicted of a violation of Ohio R.C. 2919.22(C) or subsection (c) hereof, Ohio R.C. 2903.06, or 2903.08, Section 2903.07 as it existed prior to March 23, 2000, or Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section.
  - (3) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (d)(2) hereof, or pursuant to any other provision of law, the court also may impose upon the offender any of the sanctions provided under Ohio R.C. 2919.22(E)(5)(d).
- (e) (1) If a person violates subsection (c) hereof and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of subsection (c) hereof

for each of the children, but the court may sentence the offender for only one of the violations.

(2) A, If a person is convicted of or pleads guilty to a violation of subsection (c) hereof but the person is not also convicted of and does not also plead guilty to a separate charge charging the violation of Section 333.07(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, both of the following apply:

1. For purposes of the provisions of the Traffic Code penalty that set forth the penalties and sanctions for a violation of Section 333.07(a) of the Traffic Code, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute a violation of Section 333.07(a) of the Traffic Code.
  2. For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.07(a) of the Traffic Code and that is not described in subsection (e)(2)A.1. hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall constitute a conviction of or plea of guilty to a violation of Section 333.07(a) of the Traffic Code.
- B. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof and the person also is convicted of or pleads guilty to a separate charge charging the violation of Section 333.07(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.07(a) of the Traffic Code, a conviction of or plea of guilty to a violation of Section 333.07(a) of the Traffic Code.  
(ORC 2919.22)

#### **537.08 UNLAWFUL RESTRAINT.**

- (a) No person, without privilege to do so, shall knowingly restrain another of the other person's liberty.
- (b) No person, without privilege to do so and with a sexual motivation, shall knowingly restrain another of the other person's liberty.
- (c) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.
- (d) As used in this section, "sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
- (e) (ORC 2905.03)

#### **537.09 COERCION.**

- (a) No person, with purpose to coerce another into taking or refraining from action

concerning which the other person has a legal freedom of choice, shall do any of the following:

- (1) Threaten to commit any offense;
  - (2) Utter or threaten any calumny against any person;
  - (3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt or ridicule, to damage any person's personal or business repute, or to impair any person's credit;
  - (4) Institute or threaten criminal proceedings against any person;
  - (5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.
- (b) Subsections (a)(4) and (5) hereof shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interest of justice:
- (1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Ohio R.C. 2945.44;
  - (2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which the accused is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;
  - (3) Imposing community control sanction on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of the offense.
- (c) It is an affirmative defense to a charge under subsection (a)(3), (4) or (5) hereof that the actor's conduct was a reasonable response to the circumstances that occasioned it, and that the actor's purpose was limited to any of the following:
- (1) Compelling another to refrain from misconduct or to desist from further misconduct;
  - (2) Preventing or redressing a wrong or injustice;
  - (3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified;
  - (4) Compelling another to take action that the actor reasonably believed the other person to be under a duty to take.
- (d) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.
- (e) As used in this section:
- (1) "Threat" includes a direct threat and a threat by innuendo.
  - (2) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01. (ORC 2905.12)

#### **537.10 TELECOMMUNICATION HARASSMENT.**

- (a) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:

- (1) Fails to identify the caller to the recipient of the telecommunication and makes the telecommunication with purpose to harass, or abuse, any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;
  - (2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;
  - (3) During the telecommunication, violates Ohio R.C. 2903.21;
  - (4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;
  - (5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any person at those premises.
- (b) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person.
- (c) (1) Whoever violates this section is guilty of telecommunication harassment.  
(2) A violation of subsections (a)(1), (2), (3) or (5) or (b) hereof is a misdemeanor of the first degree on a first offense. Each subsequent offense is a felony and shall be prosecuted under appropriate State law.  
(3) Whoever violates subsection (a)(4) hereof is guilty of a misdemeanor of the first degree for a first offense. For each subsequent offense or if a violation of subsection (a)(4) hereof results in economic harm one thousand dollars (\$1,000) or more, a violation of subsection (a)(4) hereof is a felony and shall be prosecuted under appropriate State law.
- (d) No cause of action may be asserted in any court of this State against any provider of a telecommunications service or information service, or against any officer, employee, or agent of a telecommunication service or information service, for any injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section. A provider of a telecommunications service or information service, or an officer, employee, or agent of a telecommunications service or information service, is immune from any civil or

criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section.

(e) As used in this section:

- (1) "Economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:
  - A. All wages, salaries, or other compensation lost as a result of the criminal conduct;
  - B. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
  - C. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
  - D. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- (2) "Caller" means the person described in subsection (a) hereof who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.
- (3) "Telecommunication" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
- (4) "Sexual activity" has the same meaning as in Ohio R.C. 2907.01.

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

### **537.12 MISUSE OF 9-1-1 SYSTEM.**

- (a) "9-1-1 system" means a system through which individuals can request emergency service using the telephone number 9-1-1.
- (b) No person shall knowingly use the telephone number of the 9-1-1 system established under Ohio R.C. Chapter 507 or Ranger Emergency Number (440-333-4911) to report an emergency if he knows that no emergency exists.
- (c) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service.
- (d) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the data base that serves the public safety answering point of a 9-1-1 system established under Ohio R.C. Chapter 507, except for any of the following purposes or under any of the following circumstances:
  - (1) For the purpose of the 9-1-1 system;
  - (2) For the purpose of responding to an emergency call to an emergency service

- provider;
- (3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;
  - (4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the Department of Public Safety.
  - (5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the Department of Public Safety. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the Department of Public Safety.(ORC 128.32)
- (e) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree.
- (2) Whoever violates subsection (c) or (d) hereof is guilty of a misdemeanor of the fourth degree on a first offense. For each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.  
(ORC 128.99)

### **537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.**

- (a) No person shall do either of the following, knowingly or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:
  - (1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;
  - (2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 3716.99(C))

### **537.14 DOMESTIC VIOLENCE.**

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

household member.

- (d) (1) Whoever violates this section is guilty of domestic violence.
- (2) Except as otherwise provided in subsection (d)(3) to (5) of this section, a violation of subsection (c) of this section is a misdemeanor of the fourth degree, and a violation of subsection (a) or (b) of this section is a misdemeanor of the first degree.
- (3) Except as otherwise provided in subsection (d)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former park regulation, municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of Ohio R.C. 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former park regulation, municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the second degree.
- (4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (d)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the first degree.
- (5) Except as otherwise provided in subsection (d)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate State law, and a violation of subsection (c) of this section is a misdemeanor of the third degree.
- (e) Notwithstanding any provision of law to the contrary, no court or unit of local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.
- (f) As used in this section:
  - (1) "Family or household member" means any of the following:
    - A. Any of the following who is residing or has resided with the offender:
      - 1. A spouse, a person living as a spouse or a former spouse of the offender;
      - 2. A parent, a foster parent or a child of the offender, or another person related by consanguinity or affinity to the offender;
      - 3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the

offender.

- B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.
- (2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.  
(ORC 2919.25)
- (g) The same relief available under the Ohio Revised Code for filing a complaint for violation of Ohio R.C. 2919.25 shall be available for filing a complaint for violation of this section.

### **537.15 TEMPORARY PROTECTION ORDER.**

- (a) No person shall recklessly violate the terms of any of the following:
  - (1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31;
  - (2) A protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214;
  - (3) A protection order issued by a court of another state.
- (b) (1) Whoever violates this section is guilty of violating a protection order.
  - (2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.
  - (3) If the offender previously has been convicted of, pleaded guilty to or been adjudicated a delinquent child for a violation of a protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214, two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 that involved the same person who is the subject of the protection order or consent agreement, or one or more violations of this section, violating a protection order is a felony and shall be prosecuted under appropriate state law.
  - (4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.
  - (5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this subsection that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the Attorney General under Ohio R.C. 2903.214, the costs of the installation of the electronic monitoring device and the cost of monitoring the

electronic monitoring device may be paid out of funds from the reparations fund created pursuant to Ohio R.C. 2743.191. The total amount paid from the reparations fund created pursuant to Ohio R.C. 2743.191 for electronic monitoring under this section and Ohio R.C. 2151.34 and 2903.214 shall not exceed three hundred thousand dollars per year.

- (c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).
- (d) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child.  
(ORC 2919.27)

#### **537.16 CRIMINAL CHILD ENTICEMENT.**

- (a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to accompany the person in any manner, including entering into any vehicle, or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:
  - (1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;
  - (2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.
- (b) No person, with a sexual motivation, shall violate subsection (a) of this section.
- (c) No person, for any unlawful purpose other than, or in addition to, that proscribed by subsection (a) of this section, shall engage in any activity described in subsection (a) of this section.
- (d) It is an affirmative defense to a charge under subsection (a) hereof that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.
- (e) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of

the first degree. If the offender has previously been convicted of a violation of Ohio R.C. 2905.05, 2907.02, or 2907.03, or former Section 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony and shall be prosecuted under appropriate State law.

- (f) As used in this section:
  - (1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
  - (2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
  - (3) "Vessel" has the same meaning as in Ohio R.C. 1547.01.  
(ORC 2905.05)

#### **537.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 541 - Property Offenses**

#### **541.01 PROPERTY DEFACEMENT, DESTRUCTION OR REMOVAL.**

- (a) No person shall injure, deface, destroy, disturb, introduce any item that may cause damage or remove any part of the Park District, including without limitation any building, sign, equipment or other property therein, or any rock or mineral, historic or prehistoric artifacts, nor shall any person knowingly cut down, destroy, girdle, burn or otherwise injure, deface, destroy, disturb or remove any vine, bush, shrub, sapling, tree, flower, grass or other vegetation standing or growing in the Park District.
- (b) Whoever violates this section is guilty of a misdemeanor of the third degree.  
(ORC 2909.07)
- (c) In addition to any penalty provided, whoever violates this section is liable in treble damages for the injury caused.  
(ORC 901.51)

#### **541.02 SIGNS OR NOTICES PROHIBITED; EXCEPTION.**

- (a) No person shall post any sign, advertisement or notice within the park district, except reasonable freestanding directional signs on the day of an event provided such signs are removed at the conclusion of such event. No such sign shall be affixed to any tree or park property, except where authorized by permit.
- (b) No person shall sell or solicit for sale any article, privilege or service within the Park District unless they are properly licensed and only during times and for activities by agreement between themselves and the Park District.
- (c) No person shall beg or solicit contributions for any purpose, whether public or private, within the Park District.
- (d) Whoever violates this section shall be fined not more than one hundred fifty dollars

(\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

### **541.03 DETERMINING PROPERTY VALUE IN ARSON.**

- (a) The following criteria shall be used in determining the value of property or amount of physical harm involved in a violation of Section 541.04.
  - (1) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, the value of the property or the amount of physical harm involved is the amount that would compensate the owner for its loss.
  - (2) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring the property.
  - (3) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.
- (b) As used in this section, "fair market value" has the same meaning as in Section 545.02(c)(3).
- (c) Prima-facie evidence of the value of property, as provided in Section 545.04(d) may be used to establish the value of property pursuant to this section.  
(ORC 2909.11)

### **541.04 ARSON.**

- (a) No person, by means of fire or explosion, shall knowingly cause or create a substantial risk of physical harm to any Park District property without the consent of the Park District.
- (b) This section does not apply if the violation is done with purpose to defraud or the property involved is a building or structure that is owned or controlled by the State, any political subdivision, or any department, agency or instrumentality of the State or a political subdivision, and that is used for public purposes.
- (c) Whoever violates this section is guilty of arson, a misdemeanor of the first degree. If the value of the property or the amount of physical harm involved is one thousand dollars (\$1,000) or more, arson is a felony and shall be prosecuted under appropriate State law.  
(ORC 2909.03)

#### **541.05 CRIMINAL DAMAGING OR ENDANGERING.**

- (a) No person shall cause, or create a substantial risk of physical harm to any park district property without the consent of the Park District:
  - (1) Knowingly, by any means;
  - (2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.
- (b) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree.  
(ORC 2909.06)

#### **541.06 CRIMINAL MISCHIEF.**

- (a) No person shall:
  - (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with the property of another;
  - (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;
  - (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.
  - (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;
  - (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire or place personal property that has been set on fire on park district land, which fire or personal property is outside and apart from any building, other structure or property that is on that land.
  - (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:
    - A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

- B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.
- (b) As used in this section, "safety device" means any fire extinguisher, fire hose or fire axe, or any fire escape, emergency exit or emergency escape equipment, or any life line, life-saving ring, life preserver or life boat or raft, or any alarm, light, flare, signal, sign or notice intended to warn of danger, or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.
- (c) (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c)(2) or (3) of this section.
- (2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this subsection, if the violation of subsection (a)(1), (2), (3), (4) or (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the first degree.
- (3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars or more. (ORC 2909.07)

#### **541.07 CRIMINAL TRESPASS.**

- (a) No person, without privilege to do so, shall do any of the following:
- (1) Knowingly enter or remain on the land or premises of another;
- (2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;
- (3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;
- (4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.
- (b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.
- (c) It is no defense to a charge under this section that the offender was authorized to

enter or remain on the land or premises involved when such authorization was secured by deception.

- (d) (1) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.
- (2) Notwithstanding Section 501.99, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.
- (3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent park district regulation, municipal ordinance, or state law, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, Ohio R.C. 4519.47 applies.
- (e) As used in this section:
  - (1) "All-purpose vehicle," "off-highway motorcycle" and "snowmobile" have the same meaning as in Section 375.01 of the Traffic Code.
  - (2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof. (ORC 2911.21)

#### **541.071 AGGRAVATED TRESPASS.**

- (a) No person shall enter or remain on park district land or premises with purpose to commit on that land or premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him.
- (b) Whoever violates this section is guilty of aggravated trespass, a misdemeanor of the first degree.  
(ORC 2911.211)

#### **541.08 DESECRATION.**

- (a) No person, without privilege to do so, shall purposely deface, damage, pollute or otherwise physically mistreat any of the following:
  - (1) Any public monument;
  - (2) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing or site of great historical or archeological interest;
  - (3) A work of art or museum piece;
  - (4) Any other object of reverence or sacred devotion.
- (b) Whoever violates this section is guilty of desecration, a misdemeanor of the second degree.
- (c) As used in this section, "cemetery" means any place of burial and includes burial sites

that contain American Indian burial objects placed with or containing American Indian human remains.  
(ORC 2927.11)

#### **541.09 ETHNIC INTIMIDATION.**

- (a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06, 2909.07 or 2917.21(A)(3) to (5) or Sections 537.05, 537.06, 537.10(a)(3) to (5), 541.05 or 541.06 of the General Offenses Code by reason of the race, color, religion or national origin of another person or group of persons.
- (b) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.  
(ORC 2927.12)

#### **541.10 VEHICULAR VANDALISM.**

- (a) As used in this section:
  - (1) "Roadway" means any roadway as defined in Section 301.33 of the Traffic Code or any lane, road, bridge, or overpass.
  - (2) "Vehicle" has the same meaning as in Section 301.49 of the Traffic Code.
  - (3) "Vessel" and "waters in this State" have the same meanings as in Ohio R.C. 1547.01.
- (b) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:
  - (1) Any vehicle on a roadway;
  - (2) Any boat or vessel on any of the waters in this State that are located in the Park District.
- (c) Whoever violates this section is guilty of vehicular vandalism. Except as otherwise provided in this subsection, vehicular vandalism is a misdemeanor of the first degree. If the violation of this section creates a substantial risk of physical harm to any person, serious physical harm to property, physical harm to any person or serious physical harm to any person, vehicular vandalism is a felony and shall be prosecuted under appropriate State law.  
(ORC 2909.09)

#### **541.11 TRESPASS ON A PLACE OF PUBLIC AMUSEMENT.**

- (a) As used in this section, "place of public amusement" means a stadium, theater or other facility, whether licensed or not, at which a live performance, event, or other activity takes place for entertainment of the public and to which access is made available to the public, regardless of whether admission is charged.
- (b) No person, without privilege to do so, shall knowingly enter or remain on any restricted portion of a place of public amusement and, as a result of that conduct,

interrupt or cause the delay of the live performance, event, or other activity taking place at the place of public amusement after a printed written notice has been given as provided in subsection (d)(1) of this section that the general public is restricted from access to that restricted portion of the place of public amusement. A restricted portion of a place of public amusement may include, but is not limited to, a playing field, reservable area, an athletic surface, or a stage located at the place of public amusement.

- (c) An employee or permit holder of a place of public amusement, an agent of the permit holder, or a performer or participant at a place of public amusement may use reasonable force to restrain and remove a person from a restricted portion of the place of public amusement if the person enters or remains on the restricted portion of the place of public amusement and, as a result of that conduct, interrupts or causes the delay of the live performance, event or other activity taking place at the place of public amusement. This subsection does not provide immunity from criminal liability for any use of force beyond reasonable force by an employee or permit holder of a place of public amusement, an agent of the permit holder, or a performer or participant at a place of public amusement.
  - (d) (1) Notice has been given that the general public is restricted from access to a portion of a place of public amusement if a printed written notice of the restricted access has been conspicuously posted or exhibited at the entrance to that portion of the place of public amusement. If a printed written notice is posted or exhibited as described in this subsection, regarding a portion of a place of public amusement, in addition to that posting or exhibition, notice that the general public is restricted from access to that portion of the place of public amusement also may be given, but is not required to be given, by either of the following means:
    - A. By notifying the person personally, either orally or in writing, that access to that portion of the place of public amusement is restricted;
    - B. By broadcasting over the public address system of the place of public amusement an oral warning that access to that portion of the public place of amusement is restricted.
  - (2) If notice that the general public is restricted from access to a portion of a place of public amusement is provided by the posting or exhibition of a printed written notice as described in subsection (d)(1) of this section, the Park District, in a criminal prosecution for a violation of subsection (b) of this section, is not required to prove that the defendant received actual notice that the general public is restricted from access to a portion of a place of public amusement.
  - (e) (1) Whoever violates subsection (b) of this section is guilty of criminal trespass on a place of public amusement, a misdemeanor of the first degree.
    - (2) In addition to any jail term, fine or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (e)(1) of this section, a court may require an offender who violates this section to perform not less than thirty and not more than one hundred twenty hours of supervised community service work.
- (ORC 2911.23)

#### **541.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 543 – Recreational Activities**

#### **543.01 HORSEBACK RIDING.**

- (a) Area for Riders. Horseback riders and horses being hand walked must be on a lead and shall stay on designated bridle trails and are not permitted elsewhere in the park.
- (b) Hours for Riding. No person shall ride a horse or hand walk a horse on a lead within the park beyond the hours of closing.
- (c) Right of Way. Although riders and those hand walking a horse on a lead shall have the right-of-way on bridle trails, no person shall ride a horse along any bridle trail without due respect for other riders, vehicles or pedestrians, or so as to endanger the life, limb or property of any person while in lawful use of the park. At all points where bridle trails cross roadways, drives or parkways, riders shall yield the right of way to vehicles or pedestrians.
- (d) Leaving Unattended. No person shall leave a horse unattended within the park.
- (e) Mistreatment. No rider shall mistreat, over-ride, cruelly beat, mutilate or torture any horse within the park.
- (f) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.02 SWIMMING; SWIMMING AREAS AND BEACHES.**

- (a) Swimming is hereby prohibited except at areas that are otherwise designated. Users assume all risk of any body contact or other use of the water.
- (b) Scuba diving is hereby prohibited in any body of water owned or controlled by the Board, except by an authorized person as necessary for safety and operational purposes or other lawful purpose.
- (c) The use of boats, surfboards, water skis, life rafts, inner tubes, water wings, flotation devices, objects intended to support persons and similar aquatic equipment is prohibited in any locations specifically designed as swimming areas.
- (d) No person shall possess any glass bottles, metal cans or containers on the beaches adjacent to or in designated swimming areas. No person shall use those beaches for picnicking.
- (e) No person shall take any dog or cat into any designated swimming area or adjacent beach.
- (f) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for

each subsequent offense.  
(ORC 1545.99)

### **543.03 BOATING.**

- (a) **Unlicensed Watercraft Prohibited.** No person shall use rafts, tubes, flotation devices and other objects supporting persons which are not licensed by the State of Ohio and such are hereby prohibited. Sailboards, kiteboards, paddleboards and belly boats are permitted, if the operator wears a type 1, 2 or 3 personal flotation device.
- (b) **Safety Standards for Operation, Equipment and Lighting.** No watercraft shall be operated upon any lakes, rivers, ponds or other bodies of water owned by, or under the control of the Board that do not meet the safety standards or carry safety equipment as described in the provisions of Ohio R.C. 1547.01 to 1547.99 relating to watercraft and regulations of the Division of Watercraft of the State of Ohio, nor operated without lighting as described by Ohio R.C. Chapter 1547. Boat trailers shall be parked in designated areas, and exit as indicated.
- (c) **Boating Hours.** No watercraft shall be operated after the posted hours of park closing.
- (d) No person shall occupy or permit the occupation of a park owned watercraft unless all individuals on board wear a properly fitted personal flotation device at all times.
- (e) As used in this section:
  - (1) "Belly boat" or "float tube" means a vessel that is inflatable, propelled solely by human muscular effort without using an oar, paddle, or pole, and designed to accommodate a single individual as an operator in such a manner that the operator remains partially submerged in the water.
  - (2) "Kiteboard" means a recreational vessel that is inherently buoyant, has no cockpit, and is operated by an individual who is standing on the vessel while using a kite as a means of propulsion and lift.
  - (3) "Paddleboard" means a recreational vessel that is inherently buoyant, is propelled by human muscular effort using a pole or single- or double-bladed paddle, and is operated by an individual who is kneeling, standing, or lying on the vessel.
  - (4) "Sailboard" means a recreational vessel that is inherently buoyant, has no cockpit, has a single sail mounted on a mast that is connected to the vessel by a free-rotating, flexible joint, and is operated by an individual who is standing on the vessel.
- (f) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

### **543.04 GOLFING.**

- (a) Practice Golf. Other than golf courses or practice ranges, no person shall hit a golf ball or practice golf, except in areas where designated and clearly posted.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.05 SLED RIDING, AND ICE SKATING.**

- (a) No person shall sled ride or ice skate, except in areas designated and posted.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.06 CLIMBING, RAPELLING OR SLACKLINING.**

- (a) No person shall climb any rock or tree; rapel, which is to descend (as from a cliff) by sliding down a rope passed under one thigh, across the body, and over the opposite shoulder or through a special friction device; or slackline, which is a practice in balance that typically uses nylon or polyester webbing tensioned between two anchor points except in areas designated and posted.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.07 CAMPING OR SLEEPING REQUIRES PERMIT.**

- (a) No person shall establish, conduct or maintain any camp, lodging or sleeping place without a prior permit.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.08 FISHING; PROHIBITED FISHING EQUIPMENT.**

- (a) No person shall take or catch any fish by angling in any waters within the boundaries of the Park District, or engage in fishing those waters without a valid Ohio fishing license.
- (b) Every angler required to be licensed shall carry the license and exhibit the license to any person. Failure to do so is an offense under this section.
- (c) No person shall take or possess more fish than allowed by posted signage, or allowed by state law, in any body of water within the boundaries of the Stark County Park

District.

- (d) Fish shall be taken by angling only, unless otherwise provided for in the Ohio Revised Code and within the appropriate season. Anglers bow fishing, using dip nets and seine collecting shall remain at least 100 ft from any dock or pier. Bow fishing along or in the Ohio and Erie Canal is prohibited.
- (e) No person shall take or remove any reptile or amphibians from any body of water within the boundaries of the Park District except as permitted by state law.
- (f) All fishing guides are required to obtain a Park District permit to operate within the boundaries of the Park District.
- (g) Ice fishing: Ice fishing is permitted, except in certain areas that are otherwise designated, and is at the user's sole and exclusive risk.
- (h) Whoever violates this section is guilty of a violation of Fishing Regulations, a misdemeanor of the fourth degree. If an offender has previously been convicted of this section, any subsequent violation of this section shall be a misdemeanor of the third degree.  
(ORC 1545.99)

#### **543.09 OPERATION OF ALL PURPOSE VEHICLES PROHIBITED.**

- (a) No person shall operate, within the park, an all purpose vehicle, except any vehicle principally used in playing golf or where designated in writing. "All purpose vehicle" as used herein means any vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.10 GEOCACHING.**

- (a) No person shall conduct geocaching activities in any area of the park except for areas designated for such activity by the park director.
- (b) No person shall place a cache in an approved area without first making written notification to the ranger department describing the cache location and description.
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.11 UNMANNED AIRCRAFT**

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- (a) No person shall operate an unmanned aircraft within the park district or in the airspace overlying the park district without first obtaining a permit from the Director.
  - (1) As used in this section, “unmanned aircraft” means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.
- (b) Persons may be authorized to use unmanned aircraft by obtaining a permit from the Director. Such permits may be issued when the Director finds:
  - (1) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety or security of the park;
  - (2) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
  - (3) That the proposed activity will not entail unusual or extraordinary or burdensome expense or ranger operations by the park district.
  - (4) That the activity will not have an adverse affect on other reserved facilities at the day and hour required in the application
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.12 AVIATION**

- (a) No person shall voluntarily bring, land or cause to descend any aircraft, rotorcraft, hot air balloon, parachute or other aviation apparatus onto park property without written consent of the Park Director.
- (b) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **543.99 PENALTY.**

- (b) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 545 - Theft and Fraud**

#### **545.01 DEFINITIONS.**

As used in this chapter, unless the context requires that a term be given a different meaning:

- (a) "Deception" means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act or omission that creates, confirms or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.
- (b) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.
- (c) "Deprive" means to do any of the following:
  - (1) Withhold property of another permanently, or for such period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;
  - (2) Dispose of property so as to make it unlikely that the owner will recover it;
  - (3) Accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.
- (d) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license or interest is unlawful.
- (e) "Services" include labor, personal services, professional services, rental services, public utility services, including wireless service as defined in Ohio R.C. 5507.01(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services.
- (f) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.
- (g) "Forge" means to fabricate or create, in whole or in part and by any means any spurious writing, or to make, execute, alter, complete, reproduce or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.
- (h) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver or display.
- (i) "Coin machine" means any mechanical or electronic device designed to do both of the following:
  - (1) Receive a coin, bill, or token made for that purpose;
  - (2) In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.
- (j) "Slug" means an object that, by virtue of its size, shape, composition or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token made for that purpose.

- (k) "Theft offense" means any of the following:
- (1) A violation of Ohio R.C. 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42 to 2913.45, 2913.47, 2913.48, 2913.51, 2915.05, 2915.06 or 2921.41.
  - (2) A violation of an existing or former park district regulation, municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (k)(1) hereof or a violation of Ohio R.C. 2913.41, 2913.81 or 2915.06 as it existed prior to July 1, 1996;
  - (3) An offense under an existing or former park district regulation, municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit or fraud;
  - (4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (k)(1), (2) or (3) hereof.
- (l) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use or data that is contained within a computer system or computer network.
- (m) "Computer" means an electronic device that performs logical, arithmetic and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program or communication facilities that are connected or related, in a computer system or network to an electronic device of that nature.
- (n) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.
- (o) "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.
- (p) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.
- (q) "Computer software" means computer programs, procedures and other documentation associated with the operation of a computer system.
- (r) "Data" means a representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system or computer network. For purposes of Section 545.07, "data" has the additional meaning set forth in subsection (a) of that section.
- (s) "Cable television service" means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in

connection with any cable television system or other similar closed circuit coaxial cable communications system.

- (t) "Gain access" means to approach, instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or computer network.
- (u) "Credit card" includes, but is not limited to, a card, code, device or other means of access to a customer's account for the purpose of obtaining money, property, labor or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine or a cash dispensing machine.
- (v) "Electronic fund transfer" has the same meaning as in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended.
- (w) "Rented property" means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the amount of consideration generally is determined by the duration of possession of the property.
- (x) "Telecommunication" means the origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence or any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital, or analog method.
- (y) "Telecommunications device" means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.
- (z) "Telecommunications service" means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.
- (aa) "Counterfeit telecommunications device" means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. "Counterfeit telecommunications device" includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.
- (bb) (1) "Information service" means, subject to subsection (bb)(2) hereof, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, including, but not limited to, electronic publishing.

- (2) "Information service" does not include any use of a capability of a type described in subsection (bb)(1) hereof for the management, control, or operation of a telecommunications system or the management of a telecommunications service.
- (cc) "Elderly person" means a person who is sixty-five years of age or older.
- (dd) "Disabled adult" means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unfit to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or older and has been certified as permanently and totally disabled by an agency of this State or the United States that has the function of so classifying persons.
- (ee) "Firearm" and "dangerous ordnance" have the same meanings as in Ohio R.C. 2923.11.
- (ff) "Motor vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (gg) "Dangerous drug" has the same meaning as in Ohio R.C. 4729.01.
- (hh) "Drug abuse offense" has the same meaning as in Ohio R.C. 2925.01.
- (ii) "Ranger dog or horse" has the same meaning as in Ohio R.C. 2921.321.
- (jj) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this subsection. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.
- (kk) "Assistance dog" has the same meaning as in Ohio R.C. 955.011.  
(ORC 2913.01)

#### **545.02 DETERMINING PROPERTY VALUE IN THEFT OFFENSE.**

- (a) If more than one item of property or service is involved in a theft offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property or services involved in the offense.
- (b) (1) When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06, or 545.08, 545.10(b)(1) or (2), or Section 545.15 or 545.19 involving a victim who is an elderly person or disabled adult, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. The value of the property or services involved in the series of offenses for the purpose of determining the value is the aggregate value of all property and services involved in all offenses in the series.
- (2) If an offender commits a series of offenses under Section 545.05 that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06 or 545.08, Section 545.10(b)(1) or (2), or

Section 545.15 or 545.19, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property and services involved in all of the offenses in the course of conduct.

(3) In prosecuting a single offense under subsection (b)(1) or (2), it is not necessary to separately allege and prove each offense in the series. Rather, it is sufficient to allege and prove that the offender, within a given span of time, committed one or more theft offenses in the offender's same employment, capacity, or relationship to another as described in subsection (b)(1) of this section or that involve a common course of conduct to defraud multiple victims or a scheme or course of conduct as described in subsection (b)(2) of this section. While it is not necessary to separately allege and prove each offense in the series in order to prosecute a single offense under subsection (b)(1) or (2) hereof, it remains necessary in prosecuting them as a single offense to prove the aggregate value of the property or services in order to meet the requisite statutory offense level sought by the prosecution.

- (c) The following criteria shall be used in determining the value of property or services involved in a theft offense:
- (1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that has intrinsic worth to its owner and that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, is the amount that would compensate the owner for its loss.
  - (2) The value of personal effects and household goods, and of materials, supplies, equipment and fixtures used in the profession, business, trade, occupation or avocation of its owner, which property is not covered under subsection (c)(1) hereof, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing the property with new property of like kind and quality.
  - (3) The value of any real or personal property that is not covered under subsections (c)(1) or (2) hereof, and the value of services, is the fair market value of the property or services. As used in this section, "fair market value" is the money consideration that a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.
- (d) Without limitation on the evidence that may be used to establish the value of property or services involved in a theft offense:
- (1) When the property involved is personal property held for sale at wholesale or retail, the price at which the property was held for sale is prima-facie evidence of its value.
  - (2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest

market quotation prior to the offense, is prima-facie evidence of the value of the security or commodity.

- (3) When the property involved is livestock, poultry or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima-facie evidence of the value of the livestock, poultry or products.
- (4) When the property involved is a negotiable instrument, the face value is prima-facie evidence of the value of the instrument.
- (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 545.17 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 firearm or dangerous ordnance as defined in Ohio R.C. 2923.11;
- (d) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary license placard or windshield sticker as prescribed by Ohio R.C. 4503.182, or any comparable license plate, placard or sticker as prescribed by the applicable law of another state or the United States;
- (e) 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;

- (f) A blank form for any license listed in Ohio R.C. 4507.01(A).  
(ORC 2913.71)

#### **545.04 DETENTION OF SHOPLIFTERS.**

- (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 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 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 museum or archival institution; or
  - (2) With purpose to deprive the 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 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 museum or archival institution, or the merchant or his employee or agent acting under subsection (a) or (b) hereof shall not search the person, search or seize any property belonging to the person detained without the person's consent, or use undue restraint upon the person detained.
- (e) Any peace officer may arrest without a warrant any person that he has probable cause to believe has committed any act described in subsection (b)(1) or (2) hereof or that he has probable cause to believe has committed an unlawful taking in a

mercantile establishment. An arrest under this subsection shall be made within a reasonable time after the commission of the act or unlawful taking.

(f) As used in this section:

- (1) "Archival institution" means any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.
- (2) "Museum" means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.
- (3) "Pretrial diversion program" means a rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this State. (ORC 2935.041)

#### **545.05 PETTY THEFT.**

- (a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:
  - (1) Without the consent of the owner or person authorized to give consent;
  - (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
  - (3) By deception;
  - (4) By threat;
  - (5) By intimidation.
- (b) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree. Petty theft is a felony and shall be prosecuted under appropriate State law if:
  - (1) The value of the property or services stolen is one thousand dollars (\$1,000) or more; or
  - (2) The victim of the offense is an elderly person or disabled adult, or
  - (3) The property stolen is a firearm or dangerous ordnance, or
  - (4) The property stolen is a motor vehicle.
  - (5) The property stolen is any dangerous drug.
  - (6) The property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog.
  - (7) The property stolen is anhydrous ammonia.
  - (8) The property stolen is a special purpose article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012.

(ORC 2913.02)

**545.06 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS.**

- (a) No person shall knowingly use or operate a motor vehicle, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.
- (b) This section does not apply to property removed from the State or if possession is kept for more than forty-eight hours.
- (c) The following are affirmative defenses to a charge under this section:
  - (1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that the actor was authorized to use or operate the property.
  - (2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.
- (d) No person shall knowingly enter into or upon a motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.
- (e) Whoever violates subsection (a) hereof is guilty of unauthorized use of a vehicle, a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of subsection (a) hereof is a felony and shall be prosecuted under appropriate State law. (ORC 2913.03)
- (f) Whoever violates subsection (d) hereof is guilty of vehicle trespass, a misdemeanor of the fourth degree.

**545.07 INSURANCE FRAUD.**

- (a) As used in this section:
  - (1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.
  - (2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.
  - (3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under Ohio R.C. 3929.43; any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.

- (4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.
  - (5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.
- (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) For purposes of this section, a person who issues or transfers a check, bill of exchange or other draft is presumed to have the purpose to defraud if the drawer fails to comply with Ohio R.C. 1349.16 by doing any of the following when opening a checking account intended for personal, family or household purposes at a financial institution:
  - (1) Falsely stating that the drawer has not been issued a valid driver's or commercial driver's license or identification card issued under Ohio R.C. 4507.50;
  - (2) Furnishing such license or card, or another identification document that contains false information;
  - (3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.
- (e) In determining the value of the payment for purposes of subsection (f) 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.
- (f) 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)

#### **545.10 MISUSE OF CREDIT CARDS.**

- (a) No person shall do any of the following:
    - (1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;
    - (2) Knowingly buy or sell a credit card from or to a person other than the issuer.
  - (b) No person, with purpose to defraud, shall do any of the following:
    - (1) Obtain control over a credit card as security for a debt;
    - (2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained or is being used in violation of law;
    - (3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;
    - (4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.
  - (c) No person, with purpose to violate this section, shall receive, possess, control or dispose of a credit card.
  - (d) Whoever violates this section is guilty of misuse of credit cards, a misdemeanor of the first degree. Misuse of credit cards is a felony and shall be prosecuted under appropriate State law if:
    - (1) The cumulative retail value of the property and services involved in one or more violations of subsection (b)(2), (3) or (4) hereof, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is one thousand dollars (\$1,000) or more; or
    - (2) The victim of the offense is an elderly person or disabled adult and the offense involves a violation of subsection (b)(1) or (2) hereof.
- (ORC 2913.21)

#### **545.11 MAKING OR USING SLUGS.**

- (a) No person shall do any of the following:
  - (1) Insert or deposit a slug in a coin machine, with purpose to defraud;
  - (2) Make, possess or dispose of a slug, with purpose of enabling another to defraud by inserting or depositing it in a coin machine.

- (b) Whoever violates this section is guilty of making or using slugs, a misdemeanor of the second degree.  
(ORC 2913.33)

#### **545.12 TAMPERING WITH COIN MACHINES.**

- (a) No person, with purpose to commit theft or to defraud, shall knowingly enter, force an entrance into, tamper with or insert any part of an instrument into any coin machine.
- (b) Whoever violates this section is guilty of tampering with coin machines, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of Ohio R.C. 2911.32 or of any theft offense, tampering with coin machines is a felony and shall be prosecuted under appropriate State law.  
(ORC 2911.32)

#### **545.13 CRIMINAL SIMULATION.**

- (a) No person, with purpose to defraud, or knowing that the person is facilitating a fraud, shall do any of the following:
  - (1) Make or alter any object so that it appears to have value because of antiquity, rarity, curiosity, source, or authorship, which it does not in fact possess;
  - (2) Practice deception in making, retouching, editing, or reproducing any photograph, movie film, video tape, phonograph record, or recording tape;
  - (3) Falsely or fraudulently make, simulate, forge, alter, or counterfeit any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303, falsely or fraudulently cause to be made, simulated, forged, altered, or counterfeited any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303, or use more than once any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303.
  - (4) Utter, or possess with purpose to utter, any object that the person knows to have been simulated as provided in subsection (a)(1), (2) or (3) of this section.
- (b) Whoever violates this section is guilty of criminal simulation, a misdemeanor of the first degree. If the loss to the victim is one thousand dollars (\$1,000) or more, criminal simulation is a felony and shall be prosecuted under appropriate State law.  
(ORC 2913.32)

#### **545.14 TAMPERING WITH RECORDS.**

- (a) No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall do any of the

following:

- (1) Falsify, destroy, remove, conceal, alter, deface or mutilate any writing, computer software, data, or record;
  - (2) Utter any writing or record, knowing it to have been tampered with as provided in subsection (a)(1) hereof.
- (b) Whoever violates this section is guilty of tampering with records, a misdemeanor of the first degree. If the violation involves data or computer software the value of which or loss to the victim is one thousand dollars (\$1,000) or more, or if the writing or record is a will unrevoked at the time of the offense, tampering with records is a felony and shall be prosecuted under appropriate State law.  
(ORC 2913.42)

#### **545.15 SECURING WRITINGS BY DECEPTION.**

- (a) No person, by deception, shall cause another to execute any writing that disposes of or encumbers property, or by which a pecuniary obligation is incurred.
- (b) Whoever violates this section is guilty of securing writings by deception, a misdemeanor of the first degree. Securing writings by deception is a felony and shall be prosecuted under appropriate State law if:
  - (1) The value of the property or obligation involved is one thousand dollars (\$1,000) or more; or
  - (2) The victim of the offense is an elderly person or disabled adult.(ORC 2913.43)

#### **545.16 PERSONATING AN OFFICER.**

- (a) No person, with purpose to defraud or knowing that he is facilitating a fraud, or with purpose to induce another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator or agent of any governmental agency.
- (b) Whoever violates this section is guilty of personating an officer, a misdemeanor of the first degree.  
(ORC 2913.44)

#### **545.17 RECEIVING STOLEN PROPERTY.**

- (a) No person shall receive, retain or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.
- (b) It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.
- (c) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of

the first degree. Receiving stolen property is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property involved is one thousand dollars (\$1,000) or more; or
  - (2) The property involved is:
    - A. Listed in Section 545.03; or
    - B. A motor vehicle as defined in Ohio R.C. 4501.01; or
    - C. A dangerous drug as defined in Ohio R.C. 4729.01.
    - D. A special purchase article as defined in Ohio R.C. 4737.04 or a bulk merchandise container as defined in Ohio R.C. 4737.012.
- (ORC 2913.51)

#### **545.18 POSSESSION OF CRIMINAL TOOLS.**

- (a) No person shall possess or have under the person's control any substance, device, instrument, or article, with purpose to use it criminally.
  - (b) Each of the following constitutes prima-facie evidence of criminal purpose:
    - (1) Possession or control of any dangerous ordnance, or the materials or parts for making dangerous ordnance, in the absence of circumstances indicating the dangerous ordnance, materials, or parts are intended for legitimate use;
    - (2) Possession or control of any substance, device, instrument, or article designed or specially adapted for criminal use;
    - (3) Possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use.
  - (c) Whoever violates this section is guilty of possessing criminal tools, a misdemeanor of the first degree. If the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony, possessing criminal tools is a felony and shall be prosecuted under appropriate State law.
- (ORC 2923.24)

#### **545.19 FORGERY OF IDENTIFICATION CARDS.**

- (a) No person shall knowingly do either of the following:
  - (1) Forge an identification card;
  - (2) Sell or otherwise distribute a card that purports to be an identification card, knowing it to have been forged.
  - (3) As used in this section, "identification card" means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words "identity," "identification," "identification card" or other similar words appear on the card.
- (b) Whoever violates subsection (a) hereof is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this subsection, forging or selling or distributing forged identification cards is a

misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or Ohio R.C. 2913.31 (B), forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00).

(ORC 2913.31)

#### **545.99 PENALTY.**

- (a) See Section 501.99 for penalties applicable to any misdemeanor classification.

## **Section 549 – Weapons and Explosives**

#### **549.01 DEFINITIONS.**

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.  
(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (c) "Handgun" means any of the following:
  - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
  - (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.
- (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.
- (g) "Zip-gun" means any of the following:
  - (1) Any firearm of crude and extemporized manufacture;
  - (2) Any device, including without limitation a starter's pistol, that is not designed as

- a firearm, but that is specially adapted for use as a firearm;
- (3) Any industrial tool, signalling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
- (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
  - (2) Any explosive device or incendiary device;
  - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pectretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
  - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
  - (5) Any firearm muffler or silencer;
  - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.
- (l) "Dangerous ordnance" does not include any of the following:
- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
  - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;
  - (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
  - (4) Black powder, priming quills and percussion caps possessed and lawfully used to

- fire a cannon of a type defined in subsection (l)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
- (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.
- (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.921(a)(4), as amended, and regulations issued under that Act.
- (m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks", as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80, and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.
- (n) (1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to subsection (n)(2) of this section, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (2) A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a licence to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (o) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213, or

under a suspension provision of the state other than this State in which the license was issued, and that has not been revoked under division (B)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213 or under a revocation provision of the state other than this State in which the license was issued.  
(ORC 2923.11)

#### **549.02 DISCHARGE OF FIREARMS.**

- (a) No person shall discharge any air gun, shotgun, revolver, pistol, firearm, switch blade, hunting knife, dagger, metal knuckles, slingshot or other dangerous weapon.
- (b) This section does not apply when firearms are used by law enforcement officers in the execution of his office.
- (c) This section does not apply to individuals lawfully hunting within a designated public hunting zone.
- (d) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **549.03 THROWING OR SHOOTING MISSILES.**

- (a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to authorized ranges or instruction nor when otherwise lawfully authorized.
- (b) This section does not apply to individuals lawfully hunting within a designated public hunting zone.
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.  
(ORC 1545.99)

#### **549.04 FIREWORKS PROHIBITED.**

- (a) "Fireworks" as used in this section 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 Ohio R.C. 3743.80.  
(ORC 3743.01)
- (b) No person shall possess or discharge any fireworks, unless otherwise approved by the Park Director based upon specific terms and conditions.
- (c) Whoever violates this section shall be fined not more than one hundred fifty dollars (\$150.00) for the first offense and not more than one thousand dollars (\$1,000) for each subsequent offense.

(ORC 1545.99)

**549.99 PENALTY.**

(c) See Section 501.99 for penalties applicable to any misdemeanor classification.