

**URBANA CITY COUNCIL
REGULAR SESSION MEETING**

October 5, 2021, at 6:00 p.m.

(To be held in the Training Room on the 3rd Floor of the Municipal Building)

Please listen to meeting from your computer, tablet or smartphone. As the State of Emergency has been lifted by Governor Dewine, the Zoom media is available as a method to hear the meetings only. Council participation, and Citizen Comments, will only be in person.

<https://zoom.us/j/2412774424?pwd=TzBqdXRid1ZQNFZrU113UDgvY1J0QT09>

Meeting ID: 241 277 4424

Passcode: 43078

Dial by Phone: 1-646-558-8656

PLEASE MUTE YOUR PHONES

Call to Order

Roll Call

Pledge of Allegiance

Approval of Minutes

Urbana City Council Regular Session Meeting Minutes of September 21, 2021 .

Communications

1. Public Safety Committee Meeting Minutes of September 16, 2021 (See attached)
2. Letter from Ohio Secretary of State regarding Federal Census results (See attached)
3. National Wreaths Across America Day, December 18, 2021 (See attached)
4. Affordable Gas & Electric Press Release (See Attached)
5. Salary Commission Meeting Minutes of September 28, 2021 (See attached)

Board of Control

Footnote – Purchase Orders \$2,501 - \$50,000 for August 2021 (see attached)

Citizen Comments (In Person Only)

Ordinances and Resolutions

First Reading

Ordinance No. 4552-21

An Ordinance to revise the Codified Ordinances by adopting current replacement pages. (May be passed on first reading)

Ordinance No. 4553-21

An Ordinance accepting the annexation of two tracts totaling 1.378 acres, more or less, to the City of Urbana, Ohio. (Requires three readings)

Second Reading

Third Reading

Committee Reports

Miscellaneous Business

Adjourn

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, SEPTEMBER 21, 2021**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 p.m.

City staff attending: Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Director of Law Mark Feinstein, Water Superintendent Joe Sampson, Superintendent of Public Works Chad Hall, Community Development Manager Doug Crabill, and Fire Chief Dean Ortlieb.

PRESIDENT PRO TEM CALLED ROLL: Mr. Fields, present; Mr. Hoffman, present; Mr. Paul, present; Mr. Scott, present; Mr. Thackery, present; and Mrs. Collier, present.

MINUTES

Urbana City Council Regular Session Meeting Minutes of August 17, 2021, in addition to September 7, 2021.

Mr. Fields moved to put said minutes on the floor for discussion and possible passage. Mr. Paul seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 6-0

COMMUNICATIONS

1. Division of Liquor Control – Licensing Fees
2. Shade Tree Commission Minutes of July 8, 2021
3. Public Safety Committee Minutes of August 19, 2021
4. Salary Commission Meeting Minutes of September 14, 2021, in addition to June 16, 2021.
5. City Residential Electric Aggregation Agreement.

Mr. Fields moved to put all communications on the floor for further discussion and possible passage. Mr. Paul seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 6-0

ADMINISTRATIVE REPORTS - BOARD OF CONTROL

1. Champaign County Commissioners - \$28,922.19 (Capital Improvement Fund – Administration)

Mr. Crabill stated that this was for the prorated share in grant for CDBS Critical Infrastructure Grant, which stood for the City's 10% match. He stated the County Commissioners paid the State and now the City is paying the County Commissioner's back. He added that this program which is competitive and fairly new. He added that the project was completed in 2019.

Mr. Paul moved to put this item on the floor for further discussion and possible passage. Mr. Scott seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 6-0

2. Environmental Engineering Services - \$226,700.00 (Water Fund)

Mr. Sampson advised that the purpose of this would be a design of the replacement of the E. Water Street water booster pump station and the new water booster pump station at the City park, which includes the pipe network from Dellinger Road to Children's Home Road. He added that the City's system is a unique one, in that the east end of town is a high-pressure area, and it takes 16 hours to fill the tower supplying that section of the City and 8 hours to empty it. He also gave an example that if there was a line failure, they would shut that side down and by adding another booster station and rebuilding the existing one, it would put an extra 300-400 gallons into the system. He also advised that this has been needed for some time now. He also advised that the project in its entirety, is approximately 3 million dollars. He also stated that the design is to be complete by mid-November and the project should begin this spring or early summer and the project should be up and running by next fall. He also advised that the City is looking into opportunities for grants for financing as well as loans. He also said that Environmental Engineering Services would be present throughout the entire project.

Mr. Paul moved to put this item on the floor for further discussion and possible passage. Mr. Scott seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 6-0

CITIZEN COMMENTS

Stephanie Truelove – 707 N. Oakland St., Urbana, spoke about her concern of the growth around the monuments at the cemetery. She stated that the growth has gotten out of control and she

finds that this is unacceptable. She stated that she would appreciate someone looking into this and found it very appropriate that something be done.

ORDINANCES AND RESOLUTIONS

First Reading

Ordinance No. 4551-21

An Ordinance modifying the measurement of sewer charges and user charges based on the metered consumption of water, and declaring an emergency. (Suspension of the rules requested)

Mr. Hall said that this Ordinance was nothing but a conversion from cubic feet to gallons. There is no rate increase. He also advised that this would provide a more accurate reading.

Mr. Thackery moved to put this Ordinance on the floor for discussion. Mr. Paul seconded.

Mr. Thackery moved to suspend the three-reading rule. Mr. Paul seconded. President Hess called for a roll call for passage: Mr. Hoffman, yes; Mr. Paul, yes; Mr. Scott, yes; Mr. Thackery, yes; Mrs. Collier, yes; and Mr. Fields, yes.

Motion passed

Mr. Thackery moved to put this Ordinance on the floor for passage. Mr. Paul seconded. President Hess called for a roll call for passage: Mr. Paul, yes; Mr. Scott, yes; Mr. Thackery, yes; Mrs. Collier, Mr. Fields, yes; and Mr. Hoffman, yes.

Ordinance passed 6-0

Second Reading

None

Third Reading

None

COMMITTEE REPORTS

Mr. Scott stated there would be an Infrastructure Meeting on October 1, 2021, at 4:00 p.m.

Mr. Paul stated that he has notes from the Economic Development Meeting, but would like to summarize his notes prior to advising Council.

Chief Ortlieb stated the Safety Committee were speaking of budgeting.

MISCELLANEOUS BUSINESS/WORK SESSION

Mr. Paul stated that Council there was a need to start looking at IT and data, is the City using the cloud, or data stored in house, etc.? He also asked if tickets that are being turned in for IT help, are they being taken care of swiftly? He also stated that hopefully there is adequate funding for what the City needs.

Mrs. Collier asked Mr. Crabill the status of DORA. Mr. Crabill advised that it is still sitting close at hand on his desk.

Chief Ortlieb stated that the new Fire Truck was pictured in Fire Expo.

Joe Sampson spoke about the new water meter process. He said they have 2,538 to be installed and 638 of those have been scheduled, leaving the water meter installation at about 40%. Overall, he stated things were going pretty well. He also spoke about the PMI Portal and provided an overhead view of the PMI Portal and how useful it is. Mr. Paul inquired as to the target for the completion of the installations. Mr. Sampson stated targeting for the spring of next year. Mr. Hall also stated that this mini-presentation just hits the surface of this portal.

Mr. Crabill stated they would be hosting a Community Meeting on September 29, 2021, from 6:30 p.m. – 8:00 p.m. at the Community Center about Land Banks. He also spoke about the paving program with Shelly Company and said they would begin milling on Friday. He also mentioned that total investment of the paving project is \$684,000.00.

Ms. Boettcher responded to Mr. Paul's comment about IT and advised that there were no servers and that it was all cloud based. She also spoke about the upcoming budget and advised that she would be reaching out to Department Heads as well as Council for future discussions.

Mr. Brugger said that he was glad to see Council's pride to see the value of the infrastructure and doing projects for the community. Making decisions for the right reasons is so important. He spoke about the booster system and now the City has the data backing up the reason for the need of the same. Mr. Brugger also spoke about the Residential Electric Aggregation and stated that a time line and contact information will be summarized, provided to Council, and put on the website. He also advised that the new playground at the park broke ground yesterday, and this

was another project that was done for the community. He also said that this has been a very productive year.

Mr. Fields moved to adjourn. Mr. Paul seconded.

Voice vote on approval: 5 ayes, 1 nay from Mr. Hoffman

Motion passed 5-1

ADJOURNED AT 7:10 p.m.

NEXT SCHEDULED MEETING

October 5, 2021, at 6:00 p.m.

Council Clerk

Council President

City of Urbana
Public Safety Committee
Minutes 9/16/21

Chief Ortlieb called the meeting to order at 1803 with Mr. Paul, Mr. Thackery and Chief Ortlieb present. The City of Urbana, Public Safety Committee is a standing committee to provide an avenue for council and its public safety divisions to contribute to the overall safety of the community it serves.

Chief Ortlieb inquired and Mr. Paul and Thackery discussed the roles of council in relation to ordinances, resolutions, and motions and how each relates to public safety.

Chief Ortlieb discussed the division's ladder truck, its age and when it will be replaced.

Chief Ortlieb gave an overview of the division's budget, discussed division forecasting and the role the safety committee could play in developing and forecasting the budget.

The meeting was ended at 1936



September 21, 2021

Dear Urbana City Officials:

The official 2020 Federal Census results indicate that your municipality has a population of more than 5,000 persons. Accordingly, I am sending you a proclamation of City status, as required by Ohio Revised Code 703.06.

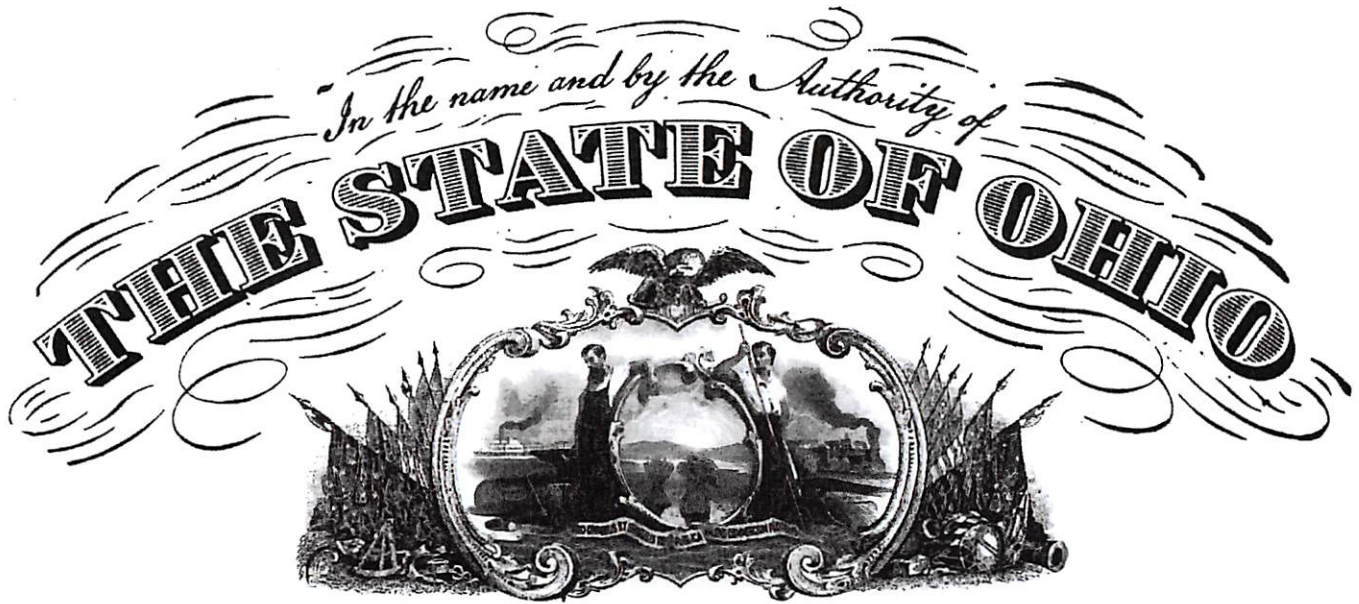
Please accept my best wishes for your community's prosperity and development during this decade. If my office may be of assistance to you, please contact us at 614-466-2585.

Yours in service,

A handwritten signature in blue ink that reads "Frank LaRose".

Frank LaRose
Ohio Secretary of State

Enclosure: Proclamation of Population Certificate



PROCLAMATION

AS A RESULT OF the Federal Census of Two Thousand Twenty for the State of Ohio and the various political subdivisions having been officially made known to me, I, Frank LaRose, Secretary of State of the State of Ohio, complying with the provisions of Section 703.06 of the Revised Code of the State of Ohio, do hereby make proclamation that the municipality of

Urbana in Champaign County, Ohio

according to said Federal Census of Two Thousand Twenty has a population of

11,115

and shall, from and after thirty days from date of this proclamation be known as a **City** by virtue of and in accordance with said Section 703.06 of the Revised Code of the State of Ohio.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the State of Ohio to be affixed. Done at the City of Columbus this 21st day of September in the year of our Lord two thousand and twenty-one, and of the Independence of the United States of America the two hundred forty-fifth and of the statehood of Ohio the two hundred eighteenth.



Frank LaRose
51st Ohio Secretary of State

Join Us in Our Mission to

REMEMBER ★ HONOR ★ TEACH



★ December 18, 2021 ★

NATIONAL WREATHS ACROSS AMERICA DAY

Oak Dale Cemetery, Urbana, Ohio

Ceremony at Noon

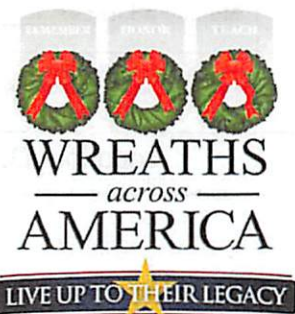
Contact: Pat Detwiler, Chair

Urbana DAR

(937)597-4446

tdetwiler2@woh.rr.com

Please sponsor wreaths by Thanksgiving



#LiveTheirLegacy2021



WREATHS *across* AMERICA

Wreath Sponsorship Form

Sponsored wreaths are placed on grave markers at state and national veterans' cemeteries, as well as at local, community cemeteries each December. Wreaths may also be sponsored online at www.WreathsAcrossAmerica.org. If you wish to make your sponsorship with a credit card, please visit our website for a secure online transaction.

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Phone: _____
Email: _____

Please make checks payable to:
Wreaths Across America
Send to:
Pat Detwiler, Urbana NSDAR WAA Chair
7419 Upper Valley Pike, West Liberty, OH 43357
(937)597-4446 or tdetwiler2@woh.rr.com
For credit card orders:
wreathscrossamerica.org/pages/156803

| Sponsorship Type | Price | Quantity | Total |
|--|------------|-------------|-------|
| Individual = 1 Wreath | \$15.00 | | |
| Mailed "In Honor" card = If you wish to send a physical honor card telling someone of your sponsorship, please see "In Honor" section below. The \$2 fee is required for this mailing. | \$2.00 | | |
| Family = 4 Wreaths | \$60.00 | | |
| Small Business = 10 Wreaths | \$150.00 | | |
| Corporate = 100 Wreaths | \$1,500.00 | | |
| | | Grand Total | |

GRAVE SPECIFIC REQUESTS ARE NOT ACCEPTED ON THIS FORM

In Honor of:

Below, please provide email or mailing address of "In Honor of" recipient so we can notify them of your sponsorship in their honor. If you have a specific message please write it on the back of this sheet.

Email address: _____
Mailing address: _____

In Memory of:

This name will be listed on our online memory wall. Below, please provide name, rank, branch of service and state resided.

Branch of Service: _____
Rank: _____
State: _____

Please note, ALL sponsored wreaths are shipped directly to the location and NO wreaths are sent to the individuals purchasing sponsorships.

| | | | |
|-----------------------------|-------------------|-----------------------|----------------|
| Location ID: | OHODCU | Fundraising Group ID: | OH0175P |
| FOR OFFICE USE ONLY: | | | |
| Cash: _____ | Total: _____ | Date Received: _____ | |
| Total No. Checks: _____ | Reconciled: _____ | | |
| MO: _____ | GEN: | | |
| Entered: _____ | | | |

Press Release

Date: September 30, 2021

From: Jeff Haarmann, Managing Partner (AGE)

For Immediate Release



Communities Lock Long Term Electric Aggregation Rates

<Miami Valley and Southwest, OH – September 30, 2021> Amid rising energy costs, municipalities throughout the Miami Valley region have locked in long term, fixed rates for residents through their municipal electric aggregation programs.

Affordable Gas + Electric (AGE) serves as the exclusive consultant for municipal aggregation programs for the communities of Sidney, Bellefontaine, Greenville, Urbana, West Milton, Fort Loramie, Russia, Botkins, Bradford, Covington, Newberry Township, Belle Center, Anna, Ansonia, DeGraff, Quincy, Coldwater, Fort Recovery, Jeffersonville, and Lockington.

“Energy markets have been on the rise throughout the year due to a tight natural gas storage in the US and an increased focus on cleaner, green energy production,” said AGE’s Managing Partner, Jeff Haarmann. “Our communities were able to offer their residents some rate certainty by locking in a low fixed rate for the next three years.”

The group chose to lock in a 36-month fixed rate of \$0.0499/kWh from Energy Harbor following a competitive bidding process coordinated by AGE. The new rate will begin with the January 2022 bills and run through the January 2025 billing cycles.

New under this contract is an accompanying opt-in program for aggregation customers wishing to source their electric supply from fully renewable sources. Residents may choose to opt-in to this voluntary program. The rate for the 100% renewable energy offer is \$0.0556/kWh.

Ohio law requires that residents and eligible mercantile accounts be made aware of the contract rate change and new Opt-Out notices will be sent to all eligible households and businesses currently participating in the aggregation program and those eligible who are currently on AES Ohio’s electric supply service. This will include those who have previously opted out of the program during previous contracts. The notices are expected to begin arriving in local mailboxes on October 18th.

Notices will not be sent to residents and mercantile accounts who currently receive their electric supply service as the result of exercising their ability to contract their own supplier/rate outside the aggregation program. By regulation, individuals on utility assistance programs are not permitted to participate in aggregation programs.

Residents wishing to remain in their community’s aggregation program may simply ignore the mailing and will automatically be enrolled under the new rate. Those residents wishing to opt-in to the new 100% renewably sourced program can contact Energy Harbor via phone or enroll in the offer on Energy Harbor’s website www.energyharbor.com/communities.

Those residents wishing to shop for their own rate or opt out of the city’s program should complete and return the Opt-Out Form included in the mailer.

Those individuals not receiving a notice but interested in additional details about the City’s aggregation program should contact Energy Harbor, LLC at 866.636.3749 and have their AES account number available at the time of the call.

Salary Commission

Meeting Minutes

DATE OF MEETING

Opening: The meeting was called to order at 6pm on September 28th 2021, in the Police and Fire Training Room, 205 S. Main Street, Urbana, Ohio.

Present: Wayne Smith, Amy Waldren, Michelle Heflin, Stephanie Truelove,

Minutes from Last Meeting: The Minutes from the September 14th, 2021 meeting were unanimously approved.

Old Business: Minutes from the June 16th meeting were approved.

New Business: Final discussion on salaries for City Council, and Mayor were finalized and agreed upon. City Council will now be paid per meeting that they attend. The pay for City Council will be \$350 per meeting and \$100 for a work session. There is a cap of two City Council meetings per month and one work session per month, to be paid for. That is a possible total of \$9600 per year maximum. A meeting must be attended to be paid; no excuses allowed. City Council President will be paid \$405 per meeting and \$150 for a work session. There is a cap of two City Council meetings per month and one work session per month, to be paid for. That is a possible total of \$11,520 per year maximum. A meeting must be attended to be paid; no excuses allowed. City Council members will now be a part of the FICA program. Mayor Bean will now be paid \$26,000 per year. A motion was made by Michelle Heflin that we agree on the pay per meeting for City Council of \$350 per meeting and for the City Council President at \$405 per meeting, and it was seconded by Stephanie Truelove. This motion passed unanimously. A motion was made by Wayne Smith that we agree on a cap of one paid work session for City Council per month at \$100, and that was seconded by Amy Waldren. This motion passed unanimously. A motion was made by Wayne Smith that we agree on a cap of one paid work session for City Council President per month at \$150, and that was seconded by Michelle Heflin. This motion passed unanimously. A motion was made by Wayne Smith that we agree on a new salary of \$26,000 per year for Mayor Bill Bean and that was seconded by Stephanie Truelove. This motion passed unanimously.

Agenda Items for Next meeting: Approve minutes from September 28th meeting.

Michelle L. Heflin
10-10-2021

Adjournment: Motion to adjourn made by Wayne Smith. Second from Michelle Heflin.
Motion passed unanimously. Meeting concluded at 6:20pm.

NEXT MEETING: 5:30pm October 12th, 2021 in the lobby of the Municipal Building, 205 S. Main Street, Urbana Ohio.

Michelle L. Heflin
10-1-2021

AUGUST 2021
PURCHASE ORDERS \$2,501-\$50,000

| PURCHASE ORDER # : | VENDOR : | PURCHASE ORDER AMOUNT : | DEPARTMENT : | EXPLANATION : | BOC APPROVAL DATE & VOTE: |
|--------------------|---------------------------------|-------------------------|------------------|--|---------------------------|
| 28523 | URBANA MATERIALS | \$ 10,000.00 | STREET | 2021 GRAVEL BLANKET | BOC= 8.4.2021 (3) |
| 28534 | A.G. SAMUELSSON CO | \$ 17,500.00 | NON-DEPARTMENTAL | ENGINEERING/DESIGN SERVICES FOR PROPOSED COUNCIL, BOARD & COMMISSIONS ROOM & ELEVATOR DESIGN | BOC= 8.11.2021 (3) |
| 28535 | MAIN ST LIGHTING % R.C. CHILDS | \$ 2,665.00 | NON-DEPARTMENTAL | ALUMINUM 12' DECORATIVE LIGHT POLE | BOC= 8.11.2021 (3) |
| 28537 | EJ PRESCOTT | \$ 5,811.59 | WATER | 6" EZ VALVE & LABOR | BOC= 8.11.2021 (3) |
| 28548 | MOTOROLA | \$ 4,893.94 | WRF | (2) MOTOROLA HANDHELD APX900 MARCS RADIO | BOC= 8.18.2021 (3) |
| 28555 | SHERWIN WILLIAMS | \$ 3,697.60 | STREET | FLAT PAINT & IOXON MASONARY PRIMER (PAINT UNDERPASSES) | BOC= 8.25.2021 (3) |
| 28562 | ENVIRONMENTAL ENGINEERING SERV. | \$ 10,500.00 | WRF | NPDES PERMIT LOCAL LIMITS UPDATE | BOC= 8.25.2021 (3) |
| 28563 | SHI | \$ 2,935.61 | WRF | RACK MOUNT UPS FOR SERVER ROOM | BOC= 8.25.2021 (3) |
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Chris Boettcher
Secretary

ORDINANCE NO. 4552-21

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

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

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

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

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

SECTION ONE.

That the ordinances of the City of Urbana, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, title, chapters and sections within the September 2021 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION TWO.

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

Traffic Code

- 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
- 333.03 Maximum Speed Limits. (Amended)
- 335.02 Permitting Operation Without Valid License; One License Permitted. (Amended)
- 335.021 Ohio Driver's License Required for In State Residents. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
- 371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)

General Offenses Code

525.13 Interfering with Civil Rights. (Amended)

SECTION THREE.

That the complete text of the Traffic and General Offenses Codes sections listed above are set forth in full in the current Replacement Pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A.

SECTION FOUR.

That pursuant to Section 2.19 of the Charter, notice of the proposed revision shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.

President

PASSED:

ATTEST:

Approved by me this _____ day of _____, 2021.

Mayor

URBANA, OHIO
ROSTER OF OFFICIALS
(2021)

COUNCIL

| | |
|----------------|---------------------|
| Marton O. Hess | President |
| Eugene Fields | 1st Ward Councilman |
| Cledis Scott | 2nd Ward Councilman |
| Dwight Paul | 3rd Ward Councilman |
| Vacant | 4th Ward Councilman |
| Mary Collier | Councilman at Large |
| Doug Hoffman | Councilman at Large |
| Pat Thackery | Councilman at Large |
| Amy Deere | Clerk of Council |

ADMINISTRATION

| | |
|---------------------|----------------------------|
| Bill Bean | Mayor |
| Kerry Brugger | Director of Administration |
| Christina Boettcher | Director of Finance |
| Mark M. Feinstein | Director of Law |

The publisher
expresses his appreciation
to

AMY DEERE
Clerk of Council

and to all other officers and employees
who gave their time and counsel
in the preparation of the
2021 recodification of the
City's ordinances and the
preparing of current
replacement pages.

- BOARDS AND COMMISSIONS** (see also specific board or commission)
- continuation of
 - existing Chtr. 4.06(e)
 - established Chtr. 4.06
 - meetings; State regulations 107.01
 - members
 - qualifications;
 - removal Chtr. 4.06(f)
 - vacancy Chtr. 4.06(h)
 - voting;
 - quorum Chtr. 4.06(g)(2)
 - organization;
 - officers Chtr. 4.06(g)
 - reorganization Chtr. 4.07
- BOAT** (see WATERCRAFT)
- BOND**
- improvement contractors 125.12
 - officers making
 - investments 133.05(b)
- BOUNDARIES**
- City Center Heritage Overlay
 - District 1112.02
 - improvements; extensions 1161.44
 - wards 105.02 et seq.
 - zoning districts 1103.04, 1103.05
- BOWLING ALLEY**
- definitions 717.01
 - disturbing the peace 717.03
 - hours; Sundays 717.01
 - license
 - affidavit of convictions 717.08
 - appeals 717.20
 - application contents 717.07
 - application filing 717.06
 - denial 717.09
 - display 717.18
 - fee refund 717.16
 - fees 717.15
 - form 717.11
 - issuance 717.10
 - issuance conditions 717.13
 - nontransferable 717.17
 - required 717.05
 - revocation 717.19
 - separate 717.14
 - term 717.17
 - locations prohibited 717.12
 - penalty 717.99
 - rules and regulations 717.04
- BR-1 BUSINESS RESIDENTIAL DISTRICT** (see also ZONING DISTRICT)
- area 1123.05, 1123.10, 1123.11
 - height 1123.09
 - land use intensity 1123.14
 - lots 1123.05, 1123.12
 - off-street parking and loading 1123.13
 - purpose 1123.01
 - uses
 - accessory 1123.03
 - conditional 1123.04
 - permitted 1123.02
 - yards 1123.06 et seq.
- BRAKES** (see VEHICLE EQUIPMENT)
- BRIDGE**
- parking on prohibited 351.03(m)
 - pedestrian on 371.10
 - speed on 333.05
 - subdivision, major 1161.40
- BUDGET**
- preparation
 - Director of Administration Chtr. 4.01
 - Finance Director Chtr. 4.03
 - Mayor Chtr. 6.02
- BUILDING** (see also DWELLING)
- accessory 1129.17
 - area (see AREA REGULATIONS)
 - construction (see CONSTRUCTION)
 - defined 1102.01(9)
 - height (see HEIGHT REGULATIONS)
 - nonconforming (see USES, NONCONFORMING)
 - nuisance conditions 1339.01(m) et seq.
 - zoning regulation conformance 1103.07
- BUILDING AND ZONING APPEALS BOARD** (see also BOARDS AND COMMISSIONS)
- actions 1105.31, 1105.39
 - appeals (see ZONING APPEALS)
 - established; duties Chtr. 4.06(c)
 - hearings 1105.28 et seq.
 - members; term Chtr. 4.06(c)

| | | | |
|--|-----------------|---------------------------------------|------------|
| BUILDING AND ZONING APPEALS | | BUSINESS SECTION | |
| BOARD (Cont.) | | defined | 301.06(b) |
| proceedings | 1105.05 | freight delivery; rubbish | |
| responsibilities | 1105.06 | removal | 351.15 |
| uses, conditional | 1105.26 | CARNIVAL (see CIRCUS, CARNIVAL | |
| variances | 1105.33 et seq. | OR SHOW) | |
| BUILDING AND ZONING STANDARDS | | CAR SEAT, CHILDREN'S | 337.26 |
| DIVISION | | CAT (see ANIMALS) | |
| established | Chtr. 4.04 | CATTLE (see ANIMALS) | |
| BUILDING CODE: ONE, TWO AND | | CELL PHONE | |
| THREE-FAMILY | | dissemination of private | |
| adoption | 1305.01 | sexual image | 533.19 |
| amendments | 1305.04 | texting while driving prohibited | 333.11 |
| conflict | 1305.03 | use prohibited while driving | 335.032 |
| copies | 1305.02 | CEMETERY DIVISION (see also | |
| BUILDING INSPECTOR | | DEPARTMENTS AND | |
| Housing Officer, as | 1333.05 | DIVISIONS) | |
| right of entry | 1305.04(R-105) | Administration Department, | |
| BUILDING NUMBERING | | in | 125.02 |
| altering | 917.05 | Cemetery Superintendent, | |
| business portion, rooms in | 917.02 | managed by | 125.08 |
| designation | 917.04 | established | Chtr. 4.04 |
| distance allowed per | | CEMETERY, OAK DALE | |
| number | 917.02 | Cemetery Division, | |
| duty to affix | 917.01 | operated by | 125.08 |
| Monument Square, plan of | 917.03 | Cemetery Fund Treasurer | 963.06 |
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(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 street.

(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 or Section 331.211, 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)

331.211 REPORT OF VEHICLE FAILING TO YIELD RIGHT OF WAY TO PUBLIC SAFETY VEHICLE.

(a) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by Section 331.21(a) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.

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

- (2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

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

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.44)

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

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.431)

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

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

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

333.02 CAREFUL OPERATION OF VEHICLES.

(a) A person operating a vehicle shall do so in a careful manner and with due regard for the safety and convenience of pedestrians, other vehicles and the property of others. (Ord. 3739. Passed 12-8-87.)

(b) Whoever violates this section is guilty of a minor misdemeanor. The Court shall have two points assessed and transcribed to the abstract of the conviction report furnished by the Ohio Bureau of Motor Vehicles.

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

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

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

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

traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

- B. As used in this section, "school" means all of the following:
1. Any school chartered under Ohio R.C. 3301.16;
 2. Any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;
 3. Any special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs;
 4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of forty-five miles per hour or more, when the educational service center in writing requests that the County Engineer create a school zone at the location of that program. Upon receipt of such a written request, the County Engineer shall create a school zone at that location by erecting the appropriate signs.
- C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:
1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
 2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
 3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;
- Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
 - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
 - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
 - (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
 - (6) Fifteen miles per hour on all alleys within the Municipality;
 - (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
 - (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
 - (9) Sixty-five miles per hour on all rural expressways without traffic control signals;
 - (10) Seventy miles per hour on all rural freeways;
 - (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
 - (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.
 - (13) Forty-five miles per hour in both directions on South U.S. Highway 68 from the south property line of the Urbana PreK-8 School (SLM 4.87) extending 0.72 miles north to State Route 55 (SLM 5.59).
(Res. 2540-19. Passed 1-8-19.)

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

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

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

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

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

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

- (i) As used in this section:
- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
 - (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
 - (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
 - (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
 - (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
 - (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.
- (j) (1) A violation of any provision of this section is one of the following:
- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
 - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
 - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
- (4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.21)

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

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

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

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

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

- (d)
 - (1) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
 - (2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
 - (3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(e) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.213)

The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

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

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

(e) If the offender is sentenced under subsection (c)(2) hereof, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.
(ORC 4510.12)

335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.

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

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

- (c) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000) and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
- (2) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02; 4507.99)

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

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

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

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

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

335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.

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

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

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

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

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

- (c) As used in this section:
- (1) "Eligible adult" means any of the following:
 - A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;
 - B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
 - 1. A parent, guardian or custodian of the permit holder;
 - 2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.
 - (2) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

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

335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.

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

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

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

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

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

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

(e) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as

required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

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

(g) As used in this section:

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

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

335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

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

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

- (1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
- (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
- (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.

- (c) (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
- (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

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

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

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

335.04 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
 - (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
 - (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4507.30)

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

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

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

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

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

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

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a)(1), (2) or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28,

except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02.

- (2)
 - A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
 - B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.
- (3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:
 - A. Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
 - B. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
 - C. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

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

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

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

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

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

335.06 DISPLAY OF LICENSE.

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

- (b) (1) Except as provided in subsection (b)(2) hereof, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

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

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

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

- (d) (1) Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.
- (2) A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.
- B. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.

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

(e) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(f) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(g) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section. (ORC 4510.11)

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

335.071 DRIVING UNDER OVI SUSPENSION.

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

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

- (1) Except as otherwise provided in subsection (b)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

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

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

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

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

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

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

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

(f) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced. (ORC 4510.14)

- (g) (1) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:
- A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.

- C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.
- (2) An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.
- (3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.
(ORC 4510.161)
- (h) As used in this section:
- (1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
- (2) "Equivalent offense" means any of the following:
- A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;
- B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.
- (3) "Jail" has the same meaning as in Ohio R.C. 2929.01.
- (4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:
- A. Except as specifically authorized under this section, the term must be served in a jail.
- B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
(ORC 4510.14)

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

- (a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter

4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

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

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

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

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

- (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;
- (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
- (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
- (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

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

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

335.09 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.

- (a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However a commercial tractor shall display the license plate on the front of the commercial tractor.
- (2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.
- (3) No person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.
- (4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.
(ORC 4503.21(A))

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offenses established under subsection (a) of this section are strict liability offenses and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(ORC 4503.21(B), (C))

335.091 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

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

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

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

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

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

(c) No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles.
(ORC 4549.12)

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

- B. A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour or more;
 - (5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;
 - (6) If under eighteen years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;
 - (7) If under sixteen years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen years of age or older and is responsible for the immediate care of the person under sixteen years of age.
- (c) No person who is under fourteen years of age shall operate an electric personal assistive mobility device.
- (d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS". (ORC 4511.512)
- (e) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour. (ORC 4501.01)
- (f) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor and shall be punished as follows:
- (1) The offender shall be fined ten dollars (\$10.00).
 - (2) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of Ohio R.C. 4511.512 or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under subsection (f)(1) hereof, shall do one of the following:
 - A. Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars (\$5.00) per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars (\$50.00).

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

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

371.13 OPERATION OF PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.

(a) As used in this section:

- (1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.
- (2) "Personal delivery device" means an electrically powered device to which all of the following apply:
 - A. The device is intended primarily to transport property and cargo on sidewalks and crosswalks.
 - B. The device weighs less than 250 pounds excluding any property or cargo being carried in the device.
 - C. The device has a maximum speed of ten miles per hour.
 - D. The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.
- (3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. The phrase does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. The phrase also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(b) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:

- (1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.
- (2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.
- (3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars (\$100,000) for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.
- (4) The device is equipped with all of the following:
 - A. A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
 - B. A braking system that enables the personal delivery device to come to a controlled stop;

- (1) Allow the detention facility to become littered or unsanitary;
- (2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;
- (3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;
- (4) Allow a prisoner to escape;
- (5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.

(e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

(g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.

525.13 INTERFERING WITH CIVIL RIGHTS.

(a) No public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree. (ORC 2921.45)

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

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

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

525.15 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

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

- (1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

- (2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.
- (b) No person shall recklessly do any of the following:
- (1) Taunt, torment, or strike a police dog or horse;
 - (2) Throw an object or substance at a police dog or horse;
 - (3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:
 - A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;
 - B. Deprives the law enforcement officer of control of the police dog or horse;
 - C. Releases the police dog or horse from its area of control;
 - D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.
 - (4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.
 - (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.
- (c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:
- (1) The dog 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;

58. **Lot of Record.** "Lot of Record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
59. **Lot Types.** "Lot Types." Terminology used in this Part with reference to corner lots, interior lots and through lots is as follows:
- A. "Corner Lot" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
 - B. "Interior Lot" means a lot with only one frontage on a street.
 - C. "Through Lot" means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
 - D. "Reversed Frontage Lot" means a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
60. **Major Thoroughfare Plan.** "Major Thoroughfare Plan" means the portion of Comprehensive Plan adopted by the City Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction. (Ord. 4059. Passed 5-26-98.)
61. **Manufacturing.** "Manufacturing" means the assembling, altering, converting, fabricating, finishing, processing or treatment of a product.
62. **Manufacturing, Light.** "Light Manufacturing" means lower-intensity manufacturing uses that require a finished product consisting of small machine parts or electronic equipment, the manufacturing or assembling of small products within a business and elements of wholesale and storage of products in a manner and character that does not create significant negative impacts to the environment or surrounding area. (Ord. 4346. Passed 8-24-10.)
63. **Mobile Home Park.** "Mobile Home Park" means any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of the park.
64. **Non-conforming.** "Non-conforming" means a building, structure or use of land existing at the time of enactment of this Part and which does not conform to the regulations of the district or zone in which it is situated.
65. **Office.** "Office" means quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic or religious or educational nature are also included in this classification.
66. **Open Space.** "Open Space" means land used for resource protection, recreation, amenity and/or buffers.
67. **Parking Space, Off-Street.** "Parking Space, Off-Street" means an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

68. **Performance Bond.** "Performance Bond or Surety Bond" means an agreement by a subdivider or developer with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.
69. **Personal Services.** "Personal Services" means an establishment primarily engaged in providing services generally involving the care of the person or his/her apparel. Such establishments include but are not limited to the following: laundry, cleaning and garment services; photographic studios; beauty parlors (including manicure and pedicure salons); barber shops; shoe repair shops, shoe shine parlors, and hat cleaning shops; funeral homes; and other establishments engaged in providing personal services such as tanning salons, steam baths, reducing salons and health clubs, clothing rental, locker rental, and porter services (see major group 72 of the Standard Manufacturing Classification Manual). For purposes of this code, an adult business is not defined as a personal service establishment.
70. **Personal Storage Facility.** See "Storage Facility, Personal".
71. **Planned Unit Development.** "Planned Unit Development" means an area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of the development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.
72. **Printing and Publishing.** "Printing and Publishing" means any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or nonprofit.
73. **Public Service Facility.** "Public Service Facility" means the erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, or other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a Municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage service.
74. **Public Uses.** "Public Uses" means public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
75. **Public Way.** "Public Way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or public entity has a right, or which are dedicated whether improved or not.
76. **Quasi-Public Use.** "Quasi-Public Use" means churches, parochial schools, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.
77. **Recreation, Commercial.** "Recreation, Commercial" means any business which is operated as a recreation enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, arcades, bowling alleys, theaters, etc.

78. **Recreation, Non-Commercial.** "Recreation Non-Commercial" means any business which is operated as a recreational enterprise, either publicly or privately owned, for nonprofit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.
79. **Recycling Center.** "Recycling Center" means an establishment or place of business used, maintained or operated for the purpose of collecting, sorting, cleansing, treating and reconstituting waste or other discarded material for the purpose of recovering and reusing the materials.
80. **Religious Places of Worship.** "Religious Places of Worship" means an institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.
81. **Residential Care Facility.** "Residential Care Facility" means a home, that provides either of the following:
- A. Accommodations for seventeen and not more than forty-two unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or
 - B. Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, any of the skilled nursing care authorized by Ohio R.C. 3721.011.
82. **Restaurant.** "Restaurant" means a business where the dispensing at indoor tables and the consumption at indoor or outdoor tables of edible foodstuff and/or beverage is the principal business. This definition includes a cafe, cafeteria, coffee shop, delicatessen, lunch room, tearoom, dining room, bar, cocktail lounge and tavern. The total seating area located within the enclosed portion of the premises is more than fifty percent (50%) of the total floor area for the restaurant. This definition does not include a drive-in or carry-out restaurant.
83. **Restaurant, Fast Food.** "Restaurant, fast food" means a food establishment so developed that its retail or service character is dependent upon providing stacking spaces for motor vehicles so patrons can be served while in their motor vehicles rather than in a building or structure.
84. **Restaurant, Drive-in.** "Restaurant, Drive-In" means an automobile and truck-oriented use whose principal operation is the dispensing of edible foodstuff and/or beverage for consumption in vehicles, at indoor or outdoor tables, at stand-up counters or to be carried off the premises. Orders generally are not taken at the customer's table and the food is generally served in disposable wrapping or containers. The total seating area, if provided, is less than fifty percent (50%) of the total floor area of the restaurant.
85. **Restaurant, Carryout.** "Restaurant, Carryout" means any establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state, primarily for consumption off the premises. A carryout restaurant shall not include drive-through facilities, and up to six (6) seats may be provided for onsite consumption and/or customer waiting.

86. **Retail Business.** "Retail Business" means any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale.
87. **Right-of-Way.** "Right-of-Way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
88. **Seat.** "Seat", means for the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four linear inches of benches, pews or space for loose chairs.
89. **Setback Line.** "Setback Line" means a line established under this Part generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be otherwise provided herein.
90. **Sewers, Central or Group.** "Sewers, Central or Group" means an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.
91. **Sewers, On-Site.** "Sewers, On-Site" means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
92. **Shopping Center.** "Shopping Center" means a grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking as an integral part of the unit.
93. **Sign.** "Sign" means an outdoor advertising structure, device or visual communication designed or intended to convey information to the public in written or pictorial form.
94. **Sign, Abandoned.** "Sign, Abandoned" means a sign which no longer identifies or advertises a bona fide business, lessor, owner, service, product or activity and/or which no legal owner can be found.
95. **Sign, Animated.** "Sign, Animated" means any sign which uses movement or change of lighting to depict action or to create a special effect or scene.
96. **Sign, Area of.** "Sign, Area of" means the area of a freestanding or projecting sign shall have only one face (the largest) of any double or multi-faced sign counted in calculating its area. The area of a sign shall be measured as follows if the sign is composed of one or two individual cabinets:
- A. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

- B. The sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
97. **Sign, Awning.** "Sign, Awning" means a sign painted on, printed on or attached flat against the surface of an awning.
98. **Sign, Banner.** "Sign, Banner" means a sign made of fabric or any non-rigid material with no enclosing framework.
99. **Sign, Changeable Copy.** "Sign, Changeable Copy" means a sign on which the copy changes automatically or manually.
100. **Sign, Construction.** "Sign, Construction" means a temporary sign identifying an architect, contractor, subcontractor and/or material supplier, participating in the construction on the property on which the sign is located.
101. **Sign, Directional/Informational.** "Sign, Directional/Informational" means an on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, for example, parking or entrance and exit signs.
102. **Sign, Face of.** "Sign, Face of" means the area of a sign on which the copy is placed.
103. **Sign, Flashing.** "Sign, Flashing" means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. "Flashing sign" does not include changeable copy signs, animated signs or signs which, through reflection or other means, create an illusion of flashing of intermittent light.
104. **Sign, Freestanding.** "Sign, Freestanding" means a sign supported upon the ground by poles or braces and not attached to any building.
105. **Sign, Governmental.** "Sign, Governmental" means any temporary or permanent sign erected and maintained by the City, County, State or Federal Government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.
106. **Sign, Height of.** "Sign, Height of" means the vertical distance measured from the highest point of a sign, excluding decorative embellishments, to the grade of the adjacent street or surface grade beneath the sign, whichever is less.
107. **Sign, Identification.** "Sign, Identification" means a sign whose copy is limited to the name and address of a building, institution, or person and/or the activity or occupation being identified.
108. **Sign, Marquee.** "Sign, Marquee" means any sign attached to or supported by a marquee structure; a roof-like structure or canopy extended from the facade of a building.

109. **Sign, Nameplate.** "Sign, Nameplate" means a non-electric on-premise identification sign giving only the name, address and/or occupation of an occupant or group of occupants.
111. **Sign, Non-Conforming.** "Sign, Non-Conforming" means a sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
111. **Sign, Off-Premises.** "Sign, Off-Premises" means a sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which such sign is located, for example, billboards or outdoor advertising.
112. **Sign, On-Premises.** "Sign, On-Premises" means a sign which pertains to the use of the premises on which it is located.
113. **Sign, Political.** "Sign, Political" means a temporary sign used in connection with a local, state or national election or referendum.
114. **Sign, Portable.** "Sign, Portable" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
115. **Sign, Projecting.** "Sign, Projecting" means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
116. **Sign, Real Estate.** "Sign, Real Estate" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
117. **Sign, Rotating.** "Sign, Rotating" means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
118. **Sign, Snipe.** "Sign, Snipe" means a temporary sign or poster affixed to a tree, fence, etc.
119. **Sign, Subdivision Identification.** "Sign, Subdivision Identification" means a freestanding or wall sign identifying a recognized subdivision, condominium complex or residential development.
120. **Sign, Temporary.** "Sign, Temporary" means a sign not constructed or intended for long term use.
121. **Sign, Under-Canopy.** "Sign, Under-Canopy" means a sign suspended beneath a canopy, ceiling, roof or marquee.

122. **Sign, Wall.** "Sign, Wall" means a sign attached parallel to and extending not more than fifteen inches from the wall of a building. "Wall Sign" includes painted, individual letter and cabinet signs, and signs on a mansard.
123. **Sign, Window.** "Sign, Window" means a window sign installed inside a window and intended to be viewed from the outside.
124. **Site Plan.** "Site Plan" means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.
125. **Story.** "Story" means that part of a building between the surface of a floor and the ceiling immediately above.
126. **Storage Facility.** "Storage Facility" means a building used primarily for the holding of goods and merchandise.
127. **Storage Facility, Personal.** "Storage Facility, Personal" means a building or group of buildings in a controlled access compound that contains equal or varying sizes of individual compartmentalized, and controlled access stalls or lockers for the storage of residential customers' goods or wares.
128. **Structure.** "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.
129. **Swimming Pool.** "Swimming Pool" means a pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.
- A. "Private" means exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
- B. "Community" means operated with a charge for admission; a primary use.
130. **Thoroughfare, Street or Road.** "Thoroughfare, Street or Road" means the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
- A. "Alley" means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. "Arterial Street" means a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
- C. "Collector Street" means a thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

- D. "Cul-de-sac" means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
 - E. "Dead-end Street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
 - F. "Local Street" means a street primarily for providing access to residential or other abutting property.
 - G. "Loop Street" means a type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from the arterial or collector street, nor normally more than 600 feet from each other.
 - H. "Marginal Access Street" means a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Also called a frontage street.
131. **Transport Terminals.** "Transport Terminals" means any business, structure or premise which primarily receives or distributes goods.
132. **Use.** "Use" means the specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained. "Used" or "occupied" includes "intended, designed or arranged to be used or occupied."
133. **Use, Accessory.** "Use, Accessory" means a use or structure subordinate to the principal use of a building or to the principal use of the land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.
134. **Use, Conditional.** "Use, Conditional" means a use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Building and Zoning Appeals Board.
135. **Use, Non-Conforming.** "Use, Non-Conforming" means any building, structure, or premises legally existing or used at the time of adoption of this chapter, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.
136. **Use, Principal Permitted.** "Use, Principal Permitted" means a use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Inspector provided that the applicant meets the applicable requirements of the Part.
137. **Variance.** "Variance" means a modification of the strict terms of the relevant regulations where the modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

138. ***Veterinary Animal Hospital or Clinic.*** "Veterinary Animal Hospital or Clinic" means a place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.
139. ***Vicinity Map.*** "Vicinity Map" means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.
140. ***Walkway.*** "Walkway" means a public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.
141. ***Wholesale and Warehousing.*** "Wholesale and Warehousing" means business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product or for use by a business service.
142. ***Yard.*** "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
143. ***Yard, Front.*** "Yard, Front" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
144. ***Yard, Rear.*** "Yard, Rear" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
145. ***Yard, Side.*** "Yard, Side" means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
146. ***Zoning Certificate.*** "Zoning Certificate" means a document issued by the Zoning Inspector authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued zoning permit.
147. ***Zoning Inspector.*** "Zoning Inspector" means the Zoning Inspector of the City, empowered by the Director of Administration to administer, enforce, and interpret the provisions, regulations, and requirements of this Part.
148. ***Zoning Permit.*** "Zoning Permit" means a document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.
- (Ord. 4059. Passed 5-26-98; Ord. 4346. Passed 8-24-10; Ord. 4544-21. Passed 7-20-21.)

**CHAPTER 1123
BR-1 Business Residential District**

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| 1123.01 Purpose. | 1123.08 Minimum rear yard setback. |
| 1123.02 Principally permitted uses. | 1123.09 Maximum height regulations. |
| 1123.03 Permitted accessory uses. | 1123.10 Minimum floor area. |
| 1123.04 Conditionally permitted uses. | 1123.11 Maximum floor area. |
| 1123.05 Minimum lot area and width. | 1123.12 Maximum lot occupation. |
| 1123.06 Minimum front yard setback. | 1123.13 Off-street parking and loading. |
| 1123.07 Minimum side yard setback. | 1123.14 Land use intensity. |

CROSS REFERENCES

- District established - see P. & Z. 1103.01
- Special provisions for commercial uses - see P. & Z. 1129.07
- Signs permitted - see P. & Z. 1137.03(c)

1123.01 PURPOSE.

The desired development pattern is to accommodate continued residential development and use while allowing for neighborhood-scale retail and institutional uses. Commercial and residential development will be of high character, quality and charm reflected in the existing architecture. All uses should be relatively nuisance-free to surrounding residents and not detract from the residential purpose and character of the surrounding neighborhood. Access to this district should be directly from an arterial or collector street and not through a residential district. Residential and commercial uses may be mixed within the same building or structure with applicable zoning and building code requirements being met.

(Ord. 4544-21. Passed 7-20-21.)

1123.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses are as follows:

- (a) Multi-family Dwellings
- (b) Personal Services
- (c) Single-family Detached Dwellings
- (d) Office

(Ord. 4544-21. Passed 7-20-21.)

1123.03 PERMITTED ACCESSORY USES.

Accessory permitted uses are as follows:

- (a) Garages
- (b) Sheds

- (c) Swimming Pools
- (d) Gazebos
- (e) Fences and Walls: see Section 1129.10 for regulations
- (f) Compost Facilities
- (g) Decks
- (h) Carports
- (i) Signs
- (j) Solar Panels
- (k) Off-Street Parking of Recreational Vehicles
- (l) Off-Street Parking and Loading
- (m) Refuse Facilities, provided Corridor Overlay requirements are met
- (n) Uses which are similar or clearly incidental to the Principally Permitted Uses on the Lot. (Ord. 4544-21. Passed 7-20-21.)

1123.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses are as follows:

- (a) Home Occupations
- (b) Bed and Breakfast Establishments
- (c) Child Day Care Facility
- (d) Convalescent Care Facility
- (e) Family Care Home
- (f) Group Home Facility
- (g) Clubs
- (h) Public Service Facility
- (i) Public and Quasi-Public Uses
- (j) Educational Institutions
- (k) Religious Places of Worship
- (l) Hospitals
- (m) Residential Care Facilities
- (n) Commercial Recreation
- (o) Retail Business
- (p) Restaurant
- (q) Restaurant, Fast Food
- (r) Restaurant, Drive-In
- (s) Restaurant, Carryout
- (t) Printing and Publishing
- (u) Automotive Repair
(Ord. 4544-21. Passed 7-20-21.)

1123.05 MINIMUM LOT AREA AND WIDTH.

The minimum lot area for properties in the BR-I Business Residential District shall not be less than 7,000 square feet with a width of not less than 60 feet.
(Ord. 4544-21. Passed 7-20-21.)

1123.06 MINIMUM FRONT YARD SETBACK.

The minimum front yard setback for properties in the BR-1 Business Residential District shall not be less than 25 feet from the front lot line.
(Ord. 4544-21. Passed 7-20-21.)

1123.07 MINIMUM SIDE YARD SETBACK.

The minimum side yard setback for properties in the BR-1 Business Residential District shall be as follows:

- (a) Principal structures shall not be closer than 5 feet from the side lot line.
- (b) Accessory structures shall not be closer than 5 feet from the side lot line.
(Ord. 4544-21. Passed 7-20-21.)

1123.08 MINIMUM REAR YARD SETBACK.

The minimum rear yard setback for properties in the BR-1 Business Residential District shall be as follows:

- (a) Principal structures shall not be closer than 20 feet from the rear lot line.
- (b) Accessory structures shall not be closer than 10 feet from the rear lot line.
(Ord. 4544-21. Passed 7-20-21.)

1123.09 MAXIMUM HEIGHT REGULATIONS.

The maximum height regulations for properties in the BR-1 Business Residential District shall be as follows:

- (a) No principal structure shall exceed 40 feet in height.
- (b) No accessory structure shall exceed 20 feet in height.
(Ord. 4544-21. Passed 7-20-21.)

1123.10 MINIMUM FLOOR AREA.

The minimum floor area for structures in the BR-1 Business Residential District shall not be less than 800 feet.
(Ord. 4544-21. Passed 7-20-21.)

1123.11 MAXIMUM FLOOR AREA.

The maximum floor area for structures in the BR-1 Business Residential District shall not be more than 2,500 square feet.
(Ord. 4544-21. Passed 7-20-21.)

1123.12 MAXIMUM LOT OCCUPATION.

The maximum percentage of any property in the BR-1 Business Residential District to be covered by Principal and Accessory Buildings is fifty percent (50%).
(Ord. 4544-21. Passed 7-20-21.)

1123.13 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be required as specified in Section 1133.01, Off-Street Parking and Loading.
(Ord. 4544-21. Passed 7-20-21.)

1123.14 LAND USE INTENSITY.

The following land use intensity standards shall apply to all properties in the BR-1 Business Residential District:

- (a) The number of dwelling units per acre shall not exceed 12.
- (b) Non-residential uses shall have a floor area ratio not to exceed .30.
(Ord. 4544-21. Passed 7-20-21.)

**CHAPTER 1124
B-2 General Business District**

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|---|--|
| <p>1124.01 Purpose. 1124.02 Principally permitted uses. 1124.03 Permitted accessory uses. 1124.04 Conditionally permitted uses. 1124.05 Minimum lot area and width. 1124.06 Minimum front yard setback. 1124.07 Minimum side yard setback.</p> | <p>1124.08 Minimum rear yard setback. 1124.09 Maximum height regulations. 1124.10 Minimum floor area. 1124.11 Maximum lot occupation. 1124.12 Off-street parking and loading. 1124.13 Land use intensity.</p> |
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CROSS REFERENCES

District established - see P. & Z. 1103.01
Special provisions for commercial uses - see P. & Z. 1129.07
Signs permitted - see P. & Z. 1137.03(c)

1124.01 PURPOSE.

It is the purpose of the B-2 General Business District to provide for the needs for both convenience goods and the more common and often recurring shopping goods, personal and household services for a population larger than that served by the BR-1 Business Residential District.

1124.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses are as follows:

- (a) Commercial Recreation
- (b) Retail Business
- (c) Personal Services
- (d) Offices
- (e) Drinking and Eating Establishments
- (f) Restaurants
- (g) Automotive Filling Stations
- (h) Hotel or Motel
- (i) Restaurant, Fast Food
- (j) Restaurant, Drive-in
- (k) Restaurant, Carryout.

(Ord. 4544-21. Passed 7-20-21.)

1124.03 PERMITTED ACCESSORY USES.

Accessory permitted uses are as follows:

- (a) Outside Storage Facilities
- (b) Outdoor Storage Display
- (c) Silos
- (d) Radio Towers
- (e) Communication Towers
- (f) Signs
- (g) Off-Street Parking and Loading
- (h) Guard Houses
- (i) Fences and Walls: see Section 1129.10 for regulations
- (j) Refuse Facilities (Dumpsters): see Section 1129.05 for regulations
- (k) Garages
- (l) Uses which are similar or clearly incidental to the Principally Permitted Uses on the Lot.

1124.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses are as follows:

- (a) Shopping Centers
- (b) Automotive Repair
- (c) Bed and Breakfast Establishments
- (d) Child Day Care Facility
- (e) Clubs
- (f) Public Service Facility
- (g) Public and Quasi-Public Uses
- (h) Educational Institutions
- (i) Hospitals
- (j) Food Processing
- (k) Transport Terminals
- (l) Printing and Publishing
- (m) Personal Storage Facility
- (n) Adult Entertainment Facility.
(Ord. 4059. Passed 5-26-98.)

1124.05 MINIMUM LOT AREA AND WIDTH.

The minimum lot area for properties in the B-2 General Business District shall not be less than 10,000 square feet with a width of not less than 60 feet.

1124.06 MINIMUM FRONT YARD SETBACK.

The minimum front yard setback for properties in the B-2 General Business District shall not be less than 40 feet from the front lot line.

1124.07 MINIMUM SIDE YARD SETBACK.

The minimum side yard setback for properties in the B-2 General Business District shall be as follows:

- (a) Principal structures shall have no minimum setback from the side lot line.
- (b) Accessory structures shall have no minimum setback from the side lot line.

**CHAPTER 1125
B-3 Central Business District**

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| 1125.01 | Purpose. | 1125.08 | Minimum rear yard setback. |
| 1125.02 | Principally permitted uses. | 1125.09 | Maximum height regulations. |
| 1125.03 | Permitted accessory uses. | 1125.10 | Minimum floor area. |
| 1125.04 | Conditionally permitted uses. | 1125.11 | Maximum lot occupation. |
| 1125.05 | Minimum lot area and width. | 1125.12 | Off-street parking and loading. |
| 1125.06 | Minimum front yard setback. | 1125.13 | Land use intensity. |
| 1125.07 | Minimum side yard setback. | | |

CROSS REFERENCES

District established - see P. & Z. 1103.01
 Special provisions for commercial uses - see P. & Z. 1129.07
 Signs permitted - see P. & Z. 1137.03(c)

1125.01 PURPOSE.

It is the purpose of the B-3 Central Business District to encourage the functional grouping of those commercial, office, institutional, residential and accessory establishments encouraging the preservation of the historic character of downtown Urbana. Multi-family housing is encouraged on upper stories of buildings in the B-3 Central Business District.

1125.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses are as follows:

- (a) Multi-Family Dwellings
 - (b) Commercial Recreation
 - (c) Retail Business
 - (d) Personal Services
 - (e) Offices
 - (f) Drinking and Eating Establishments
 - (g) Restaurants
 - (h) Automotive Filling Stations
 - (i) Hotel or Motels
 - (j) Printing and Publishing
 - (k) Light Manufacturing
 - (l) Restaurant, Carryout.
- (Ord. 4544-21. Passed 7-20-21.)

1125.03 PERMITTED ACCESSORY USES.

Accessory permitted uses are as follows:

- (a) Outside Storage Facilities
- (b) Outdoor Storage Display
- (c) Silos
- (d) Radio Towers
- (e) Communication Towers
- (f) Signs
- (g) Off-Street Parking and Loading
- (h) Guard Houses
- (i) Fences and Walls: see Section 1129.10 for regulations
- (j) Refuse Facilities (Dumpsters): see Section 1129.05 for regulations
- (k) Garages
- (l) Uses which are similar or clearly incidental to the Principally Permitted Uses on the Lot.

1125.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses are as follows:

- (a) Single Family Detached Dwellings
- (b) Home Occupations
- (c) Bed and Breakfast Establishments
- (d) Child Day Care Facility
- (e) Clubs
- (f) Public Service Facility
- (g) Public and Quasi-Public Uses
- (h) Educational Institutions
- (i) Religious Places of Worship
- (j) Hospitals
- (k) Bakeries
- (l) Automotive Repair
- (m) Adult Entertainment Facility.
- (n) Restaurant, Fast Food
- (o) Restaurant, Drive-in
(Ord. 4544-21. Passed 7-20-21.)

1125.05 MINIMUM LOT AREA AND WIDTH.

There shall be no minimum lot area or width for properties in the B-3 Central Business District with the exception of principally permitted multi-family dwelling units; then the minimum lot area shall be not less than 10,000 square feet with a width of not less than 90 feet.

1125.06 MINIMUM FRONT YARD SETBACK.

There shall be no minimum front yard setback for properties in the B-3 Central Business District with the exception of principally permitted multi-family dwelling units; then the minimum front yard setback shall not be less than 10 feet from the front lot line.

1125.07 MINIMUM SIDE YARD SETBACK.

There shall be no minimum side yard setback for properties in the B-3 Central Business District with the exception of principally permitted multi-family dwelling units; then the minimum side yard setback shall not be less than 10 feet from the side lot line.

ORDINANCE NO. 4553-21

AN ORDINANCE ACCEPTING THE ANNEXATION OF TWO TRACTS TOTALING 1.378 ACRES, MORE OR LESS, TO THE CITY OF URBANA, OHIO

WHEREAS, on May 5, 2020, the Urbana City Council passed Resolution No. 2580-20 and Resolution No. 2581-20 to approve water and sanitary sewer services to the properties at 1675 East US Highway 36 (Parcel # K41-11-11-11-00-007-00) and 1693 East US Highway 36 (Parcel # K41-11-11-11-00-008-00) as extraterritorial customers under the condition that an annexation petition be filed within 60 days of approval as the properties are located adjacent to the current municipal corporation limit; and

WHEREAS, on June 1, 2021, the Urbana City Council passed Ordinance No. 4542-21 to provide a statement of services in the territory to be annexed; and

WHEREAS, on June 1, 2021, the Urbana City Council passed Ordinance No. 4543-21 relating to land use and zoning buffers for the territory to be annexed; and

WHEREAS, a petition having been filed on May 14, 2021 for said annexation to the City of Urbana with the Board of Champaign County Commissioners, by Attorney Matthew T. Watson, acting as agent for property owners, Dwight E. Pence and Phyllis A. Pence, as required by Section 709.02(C)(3) of the Ohio Revised Code; and

WHEREAS, proceedings having been held before the Board of Commissioners of Champaign County on July 13, 2021, wherein said Commissioners approved the annexation, including an amended annexation plat and legal description; and

WHEREAS, more than sixty days having elapsed from the date of filing of the transcript of such approval by the Board of Champaign County Commissioners with the City Clerk;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF URBANA, OHIO:

SECTION ONE:

That the proposed annexation, as applied for in the petition with Board of County Commissioners of Champaign County, Ohio on May 14, 2021, by Attorney Matthew T. Watson, acting as agent for property owners, Dwight E. Pence and Phyllis A. Pence, as required by Section 709.02(C)(3) of the Ohio Revised Code; and which petition prayed for the annexation to the City of Urbana of certain territory adjacent thereto and hereinafter described, which petition was approved for annexation to the City of Urbana by the Board of County Commissioners on July 13, 2021, be, and hereby is, accepted.

SECTION TWO:

The territory annexed hereby is described in the legal description attached hereto as Exhibit "A" and made a part hereof as though fully rewritten herein. The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and other papers relating to the proceedings thereto of the County Commissioners are

all on file with the Clerk of the City of Urbana and have been for more than 60 days.

SECTION THREE:

That the Clerk be, and hereby is, authorized and directed to make three copies of this Ordinance, to each of which shall be attached a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within 30 days after it becomes effective.

SECTION FOUR:

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Urbana which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Urbana.

SECTION FIVE:

That this Ordinance shall take effect at the earliest time provided by law.

PRESIDENT

PASSED: _____

ATTEST: _____

This ordinance approved by me this _____ day of _____, 2021.

MAYOR

| | | | |
|---|--|---|------------------------|
| Department requesting: Community Development | | Personnel: Doug Crabill | Director of Law review |
| Expenditure? Y <u>N</u> | Emergency? Y <u>N</u> | Public Hearing? Y <u>N</u> | |
| Readings required: 1 2 <u>3</u> | | If yes, dates advertised: | |
| First reading date: 10/5/2021 | Second reading date: 10/19/2021 | Third/Final reading date: 11/2/2021 | |

Anticipated effective date if approved 11/16/2021



EDWARDS SURVEYING
 110 South Main Street
 Urbana, Ohio 43078
 (937) 653-6508



LEGAL DESCRIPTION – PENCE ANNEXATION – 1.378 ACRES

Being situate in the State of Ohio, County of Champaign, Township of Urbana, and being a part of the Northwest Quarter of Section 11, Town 5, Range 11, B.T.M.R.S., and being a tract to be annexed into the City of Urbana and being more particularly described as follows:

Beginning for reference at a Mag Nail found on the centerline of U.S. Route 36 (variable width right-of-way) at the Southwest corner of Urbana Commons as recorded in Plat Slide 449, Cabinet 2, of the Champaign County Plat Records, also being on a Corporation line of the City of Urbana;

thence with the centerline of U.S. Route 36, S-84°52'45"-E, 11.73'(feet) to a Mag Nail set at the Northwest corner of a 0.75 acre tract conveyed to Dwight E. Pence by deed recorded in Official Record 347, Page 107, also being at the Northeast corner of a 7.940 acre tract conveyed to Spartan Brothers Capital, LLC, by deed recorded in Official Record 513, Page 493;

thence with the East line of the 7.940 acre tract, S-5°58'15"-W, 30.00'(feet) to a point on the right-of-way line of U.S. Route 36 at the **PRINCIPLE PLACE OF BEGINNING** for the tract hereinafter described, also being on a Corporation line of the City of Urbana, passing for reference an iron bar found at 28.50'(feet);

thence with the right-of-way line of U.S. Route 36 and a Corporation line of the City of Urbana, S-84°52'45"-E, 165.00'(feet) to an iron bar set on the West line of a 5.470 acre tract conveyed to S & L Home Center by deed recorded in Official Record 96, Page 635, also being on the East line of a 0.75 acre tract conveyed to Dwight E. Pence by deed recorded in Deed Volume 231, Page 1006;

thence with the bounds on the 5.470 acre tract the following two (2) courses:

1. S-5°58'15"-W, 363.75'(feet) to an iron bar set;
2. N-84°52'45"-W, 165.00'(feet) to an iron bar found at the Southeast corner of the aforementioned 7.940 acre tract and on a Corporation line of the City of Urbana;

thence with the East line of the 7.940 acre tract and the Corporation line, N-5°58'15"-E, 363.75'(feet) to the place of beginning.

Containing 1.378 acres to be annexed into the City of Urbana, Champaign County Ohio.

Being all of the area outside of the Road right-of-way of a 0.75 acre tract conveyed to Dwight E. Pence by deed recorded in Official Record 347, Page 107 and all of the area of a 0.75 acre tract outside of the Road right-of-way conveyed to Dwight E. Pence by deed recorded in Deed Volume 231, Page 1006.

The foregoing description prepared by and in accordance with a survey by William D. Edwards, Professional surveyor No. 7574, June 22, 2021. All iron bars set are 5/8"x30" iron re-bar with a yellow plastic cap stamped "EDWARDS PS 7574". Bearings are based on the centerline of U.S. Route 36 per an assumed bearing of S-84°52'45"-E.



William D. Edwards

William D. Edwards, P.S. 7574