



GREENE
COUNTY
PARKS & TRAILS

CODE OF RULES AND REGULATIONS

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§ 10.01 TITLE OF CODE.

This codification of rules and regulations by and for the Greene County Park District and the Greene County Recreation and Parks Department shall be designated as the Code of Rules and Regulations of the Greene County Park District and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

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§ 10.03 APPLICATION TO FUTURE RULES AND REGULATIONS.

All provisions of Title I compatible with future legislation shall apply to rules and regulations hereafter adopted, amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANOTHER. When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (R.C. § 1.02 (B))

BOARD OF PARK COMMISSIONERS or **BOARD.** The body appointed to govern the park district pursuant to R.C. § 1545.05.

CODE, THIS CODE or **THIS CODE OF RULES AND REGULATIONS.** The Greene County Park District Code of Rules and Regulations as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. The county or counties in which the park district is located, specifically Greene County in the State of Ohio.

EXECUTIVE DIRECTOR or **DIRECTOR.** The chief executive officer appointed by and answerable to the Park District Commissioners of the Greene County Park District.

GREENE COUNTY COMMISSIONERS. The body appointed to govern the Greene County Recreation and Parks Department pursuant to R.C. 755.13B.

IMPRISONED. Shall have the same meaning as in R.C. § 1.05.

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KEEPER or **PROPRIETOR**. Includes all persons, whether acting by themselves or as a servant, agent, or employee.

LAND or **REAL ESTATE**. Includes rights and easements of incorporeal nature. (R.C. § 701.01 (F))

LEGISLATIVE AUTHORITY. The Greene County Park District Board of Park Commissioners and the Greene County Recreation and Parks County Commissioners, acting jointly.

MAY. Is permissive.

MONTH. A calendar month.

OATH. Includes affirmation; and **SWEAR** includes affirm. (R.C. § 1.59, § 701.01)

OWNER. When applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property.

PARK. Any land owned or controlled by the Park District Commissioners of the Greene County Park District.

PARK DISTRICT or **DISTRICT**. The Greene County Park District.

PERSON. Includes an individual, corporation, business trust, estate, trust, partnership, and association. (R.C. § 1.59 (C), § 701.01)

PERSONAL PROPERTY. Includes all property except real.

PRECEDING or **FOLLOWING**. Next before or next after, respectively.

PREMISES. As applied to property, includes land and buildings.

PROPERTY. Includes real, personal, mixed estates, and interests. (R.C. § 701.01 (E))

PUBLIC AUTHORITY. Includes boards of education; the municipal, county, state, or federal government, its officers, or an agency thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

R.C. or **REVISED CODE**. Refers to the Revised Code of Ohio.

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REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGISTERED MAIL. Includes certified mail; and **CERTIFIED MAIL** includes registered mail. (R.C. § 1.02 (G))

ROAD. Includes alleys, avenues, boulevards, lanes, streets, highways, viaducts, and all other public thoroughfares which are adjacent to or through the Greene County Park District and which are designed and intended for motor vehicle traffic.

SHALL. Is mandatory.

SIDEWALK. That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

STATE. The State of Ohio.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

TENANT or **OCCUPANT.** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

TRAIL. Includes footpaths, carpaths, bikepaths, horsepaths, and all other passageways within the park district which have been designed, constructed, and maintained by the park district, and which are not specifically reserved for motor vehicle traffic.

WEEK. Seven consecutive days. (R.C. § 1.44)

WHOEVER. Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private. (R.C. § 1.02 (A))

WRITTEN or **IN WRITING.** Includes printing and any representation of words, letters, symbols, or figures; this provision does not affect any law relating to signatures. (R.C. § 1.59, § 701.01 (J))

YEAR. Twelve consecutive months. (R.C. § 1.44)

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§ 10.06 RULES OF INTERPRETATION.

The construction of all rules and regulations of this Park District shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same rule or regulation:

(A) *AND or OR.* Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) *Acts by assistants.* When a statute, ordinance, rule or regulation requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provisions of a section of these codified rules and regulations or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

(R.C. § 1.50)

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this Park District exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

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§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this Park District for the transaction of all Park District business.

§ 10.12 REASONABLE TIME.

(A) In all cases where a rule or regulation requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 RULES AND REGULATIONS REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior rules and regulations pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 RULES AND REGULATIONS UNAFFECTED.

All rules and regulations of a temporary or special nature and all other rules and regulations pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

General Provisions

§ 10.15 EFFECTIVE DATE OF RULES AND REGULATIONS.

All rules and regulations passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Rules and regulations not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF RULES AND REGULATIONS.

(A) Whenever any rule or regulation or part of a rule or regulation shall be repealed or modified by a subsequent rule or regulations, the rule or regulation or part of a rule or regulation thus repealed or modified shall continue in force until the due publication of the rule or regulation repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any rule or regulation previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the rule or regulation had continued in force unless it is otherwise expressly provided.

(C) When any rule or regulation repealing a former rule, regulation, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former rule, regulation, clause, or provision, unless it is expressly provided.

§ 10.17 RULES AND REGULATIONS WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any rule or regulation which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed rule or regulation, a caption or title shall be shown in concise form above the rule or regulation.

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§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number of the original regulation, and the most recent three amending regulations, if any, are listed following the text of the code section. Example: (Reg. 60.1; Am. Reg. 60.2; Am. Reg. 60.3; Am. Reg. 60.4)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (R.C. § 733.48) (Reg. 60.1; Am. Reg. 60.2).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This park district shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see R.C. § 149.43

§ 10.99 GENERAL PENALTY.

(A) *Generally.* Any person violating any provision of this code for which no penalty is otherwise provided, shall be guilty of a minor misdemeanor. Each violation shall be a separate offense. No person shall violate a rule adopted under this code. Whoever violates a rule adopted under this code shall be fined not more than \$100. If the offender has previously been convicted to a violation of any rule, the offender shall be fined not more than \$500. (Reg. 50.1)

(B) *Organizational violations.* Any organization violating any provision of this code shall be guilty of a minor misdemeanor. Each violation shall be a separate offense. No organization shall violate a rule adopted under this code. If an organization violates a rule adopted under this resolution, the organization shall be fined not more than \$1000 pursuant to R.C. § 2929.31 (A). (Reg. 50.2)

(C) *Enforcement.* The provisions of this code shall be enforced by a law enforcement officer as defined in R.C. § 2901.01 (K). All fines collected for any violation of any rule or regulation adopted under this code shall be paid into the general fund of the Greene County Park District, as appropriate. (Reg. 50.3)

(D) *Application of other regulations.* All other statutes, codes, ordinances that are appropriate within this jurisdiction apply. (Reg. 50.4)

Statutory reference:

State law penalty, see R.C § 1545.99

TITLE III: ADMINISTRATION

Chapter

- 30. GENERAL PROVISIONS**
APPENDIX: STATUTORY PROVISIONS OF R.C. CHAPTER 1545

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CHAPTER 30: GENERAL PROVISIONS

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- 30.07 Contracts for park district law enforcement officers to render police services to political subdivisions or state universities or colleges
- 30.08 Park district law enforcement departments providing police services to political subdivisions without contract

Cross-reference:

Statutory provisions of R.C. Chapter 1545, see Appendix

§ 30.01 APPLICATION OF TITLE III.

Title III of this code of rules and regulations is designed to include and incorporate, insofar as is practical, legislation concerning the organization, qualifications, appointment, terms of office, compensation, and the powers and duties of the officials and board of the park district. Pertinent sections of the Revised Code of Ohio relative to these offices and boards have been assembled and adopted as a part of this title. No material changes of the code sections referred to by annotation have been made. The purpose of including these sections is to afford easy reference to the statutory provisions.

§ 30.02 PARK COMMISSIONERS.

(A) *Appointment.* Upon the creation of a park district, the probate judge shall appoint three commissioners who shall take office immediately and whose terms shall expire one, two, and three years, respectively, from the first day of January next after the date of their appointment, and thereafter their successors shall be appointed by the probate judge for terms of three years.

(B) *Oath.* Before entering upon the performance of his duties, each commissioner shall take an oath to perform faithfully the duties of his office, and shall give bond for the faithful performance of the duties of his office in the sum of \$5,000. The bond shall be approved by and filed with the county auditor.

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(C) *Compensation.* Commissioners shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(R.C. § 1545.05)

§ 30.03 BOARD OF PARK COMMISSIONERS.

The Commissioners appointed in accordance with § 30.02 or pursuant to R.C. § 1545.041 shall constitute the Board of Park Commissioners of the park district. The Board shall be a body politic and corporate, and may sue and be sued as provided in R.C. §§ 1545.01 through 1545.28.

(R.C. § 1545.07)

§ 30.04 BYLAWS, RULES AND REGULATIONS.

The Board of Park Commissioners and the Greene County Commissioners, acting together as the legislative authority, shall adopt such bylaws, rules and regulations as the legislative authority deems advisable for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of the parks, parkways, and other reservations of land under its jurisdiction and control and of property and natural life therein.

(R.C. § 1545.09)

§ 30.05 EMPLOYEES.

The legislative authority may employ a secretary and such other employees as are necessary in the performance of the powers conferred upon the legislative authority.

(R.C. § 1545.07)

§ 30.06 POLICE POWERS.

The employees that the legislative authority designates for that purpose, may exercise all the powers of police officers within and adjacent to the lands under the jurisdiction and control of the legislative authority or when acting as authorized by R.C. § 1545.131 or 1545.132. Before exercising the powers of police officers, the designated employees shall comply with the certification requirement established in R.C. § 109.77, take an oath, and give a bond to the state in the sum that the legislative authority prescribes, for the proper performance of their duties in this respect. This section is subject to R.C. § 1545.13(C) as set forth in the Appendix at the end of this chapter.

(R.C. § 1545.13)

General Provisions

§ 30.07 CONTRACTS FOR PARK DISTRICT LAW ENFORCEMENT OFFICERS TO RENDER POLICE SERVICES TO POLITICAL SUBDIVISIONS OR STATE UNIVERSITIES OR COLLEGES.

(A) The Board of Park Commissioners of a park district may enter into contracts with one or more townships, township police districts, municipal corporations, or county sheriffs of this state, with one or more township park districts created pursuant to R.C. § 511.18 or other park districts, with one or more state universities or colleges, as defined in R.C. § 3345.12, or with a contiguous political subdivision of an adjoining state, and a township, township police district, municipal corporation, county sheriff, township park district, other park district, or state university or college may enter into a contract with a park district upon any terms that are agreed to by them, to allow the use of the park district police or law enforcement officers designated under R.C. § 1545.13 to perform any police function, exercise any police power, or render any police service on behalf of the contracting entity that the entity may perform, exercise, or render.

(B) Chapter 2744 of the Revised Code, insofar as it applies to the operation of police departments, applies to the contracting entities and to the members of the police force or law enforcement department when they are rendering service outside their own subdivisions pursuant to that contract.

(C) Members of the police force or law enforcement department acting outside the political subdivision in which they are employed, pursuant to that contract, shall be entitled to participate in any indemnity fund established by their employer to the same extent as while acting within the employing subdivision. Those members shall be entitled to all the rights and benefits of R.C. Chapter 4123, to the same extent as while performing service within the subdivision.

(D) The contracts entered into pursuant to this section may provide for the following:

- (1) A fixed annual charge to be paid at the times agreed upon and stipulated in the contract;
- (2) Compensation based upon the following:
 - (a) A stipulated price for each call or emergency;
 - (b) The number of members or pieces of equipment employed;
 - (c) The elapsed time of service required in each call or emergency.

(3) Compensation for loss or damage to equipment while engaged in rendering police services outside the limits of the subdivision that owns and furnishes the equipment;

(4) Reimbursement of the subdivision in which the police force or law enforcement department members are employed for any indemnity award or premium contribution assessed against the employing subdivision for workers' compensation benefits for injuries or death of its police force or law enforcement department members occurring while engaged in rendering police services pursuant to the contract.

(R.C. § 1545.131)

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§ 30.08 PARK DISTRICT LAW ENFORCEMENT DEPARTMENTS PROVIDING POLICE SERVICES TO POLITICAL SUBDIVISIONS WITHOUT CONTRACT.

(A) The police force or law enforcement department of any park district may provide police protection to any county, municipal corporation, township, or township police district of this state, to any other park district or any township park district created pursuant to R.C. § 511.18, or to a governmental entity of an adjoining state without a contract to provide police protection, upon the approval, by resolution, of the legislative authority of the park district in which the police force or law enforcement department is located and upon authorization by an officer or employee of the police force or department providing the police protection who is designated by title of office or position, pursuant to the resolution of the legislative authority, to give the authorization.

(B) Chapter 2744 of the Revised Code, insofar as it applies to the operation of police departments, shall apply to any park district and to members of its police force or law enforcement department when those members are rendering police services pursuant to this section outside the park district by which they are employed.

(C) Police force or law enforcement department members acting, as provided in this section, outside the park district by which they are employed shall be entitled to participate in any pension or indemnity fund established by their employer to the same extent as while acting within the park district by which they are employed. Those members shall be entitled to all rights and benefits of R.C. Chapter 4123 to the same extent as while performing services within the park district by which they are employed.
(R.C. § 1545.132)

APPENDIX: STATUTORY PROVISIONS OF R.C. CHAPTER 1545

Editor's Note: As park districts in Ohio are governed by the statutory provisions of R.C. Chapter 1545 and therefore often have need to refer to such provisions, we have included in this appendix, portions of R.C. Chapter 1545. At the Park District's request, we have also included portions of R.C. Chapter 755.

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CREATION OF PARK DISTRICTS

§ 1545.01 Park districts created.

Park districts may be created which include all or a part of the territory within a county, and the boundary lines of such district shall be so drawn as not to divide any existing township or municipal corporation within such county.

Appendix

PARK COMMISSIONERS; POWERS AND DUTIES

§ 1545.09 Bylaws, rules and regulations.

The board of park commissioners shall adopt such bylaws and rules as the board deems advisable for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of the parks, parkways, and other reservations of land under its jurisdiction and control and of property and natural life therein. The board shall also adopt bylaws or rules establishing a procedure for contracting for professional, technical, consulting, and other special services. Any competitive bidding procedures of the board do not apply to the purchase of benefits for park district officers or employees when such benefits are provided through a health and welfare trust fund administered through or in conjunction with a collective bargaining representative of the park district employees, as authorized in section 1545.071 of the Revised Code. The bylaws and rules shall be published as provided in case of ordinances of municipal corporations before taking effect.

No person shall violate any of such bylaws or rules. All fines collected for any violation of this section shall be paid into the treasury of such park board.

§ 1545.11 Power to acquire property.

The board of park commissioners may acquire lands either within or without the park district for conversion into forest reserves and for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and to those ends may create parks, parkways, forest reservations, and other reservations and afforest, develop, improve, protect, and promote the use of the same in such manner as the board deems conducive to the general welfare. Such lands may be acquired by such board, on behalf of said district, (1) by gift or devise, (2) by purchase for cash, by purchase by installment payments with or without a mortgage, by entering into lease-purchasing agreements, by lease with or without option to purchase, or (3) by appropriation. In furtherance of the use and enjoyment of the lands controlled by it, the board may accept donations of money or other property, or may act as trustees of land, money, or other property, and use and administer the same as stipulated by the donor, or as provided in the trust agreement. The terms of each such donation or trust shall first be approved by the probate court before acceptance by the board.

In case of appropriation, the proceedings shall be instituted in the name of the board, and shall be conducted in the manner provided in section 163.01 to 163.22, inclusive, of the Revised Code.

This section applies to districts created prior to April 16, 1920.

§ 1545.13 Police powers, offenses affecting employment eligibility.

(A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B) The employees that the board of park commissioners designates for that purpose may exercise all the powers of police officers within and adjacent to the land under the jurisdiction and control of the board or when acting as authorized by section 1545.131 or 1545.132 of the Revised Code. Before exercising the powers of police officers, the designated employees shall comply with the certification requirement established in section 109.77 of the Revised Code, take an oath, and give a bond to the state in the sum that the board prescribes, for the proper performance of their duties in that respect. This division is subject to division (C) of this section.

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(C) (1) The Board of Park Commissioners shall not designate an employee as provided in division (B) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the employee previously has been convicted of or has pleaded guilty to a felony.

(2) (a) The Board of Commissioners shall terminate the employment of an employee designated as provided in division (B) of this section if the employee does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.29 of the Revised Code in which the employee agrees to surrender the certificate awarded to the employee under section 109.77 of the Revised Code.

(b) The Board shall suspend from employment an employee designated as provided in division (B) of this section if the employee is convicted after trial, of a felony. If the employee files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the employee does not file a timely appeal, the Board shall terminate the employment of that employee. If the employee files an appeal that results in the employee's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the employee, the Board shall reinstate that employee. An employee who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that employee's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the employee of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1995.

(4) The suspension from employment, or the termination of the employment, of an employee under division (C)(2) of this section shall be in accordance with Chapter 119 of the Revised Code.

§ 1545.131 Contracts for park district law enforcement officers to render police services to political subdivisions or state universities or colleges.

The board of park commissioners of a park district may enter into contracts with one or more townships, township police districts, municipal corporations, or county sheriffs of this state, with one or more township park districts created pursuant to section 511.18 of the Revised Code or other park districts, with one or more state universities or colleges, as defined in section 3345.12 of the Revised Code, or with a contiguous political subdivision of an adjoining state, and a township, township police district, municipal corporation, county sheriff, township park district, other park district, or state university or college may enter into a contract with a park district upon any terms that are agreed to by them, to allow the use of the park district police or law enforcement officers designated under section 1545.13 of the Revised Code to perform any police function, exercise any police power, or render any police service on behalf of the contracting entity that the subdivision may perform, exercise, or render.

Chapter 2744. of the Revised Code, insofar as it applies to the operation of police departments, applies to the contracting entities and to the members of the police force or law enforcement department when they are rendering service outside their own subdivisions pursuant to that contract.

Members of the police force or law enforcement department acting outside the political subdivision in which they are employed, pursuant to that contract, shall be entitled to participate in any indemnity fund established by their employer to the same extent as while acting within the employing subdivision.

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Those members shall be entitled to all the rights and benefits of Chapter 4123 of the Revised Code, to the same extent as while performing service within the subdivision. The contracts entered into pursuant to this section may provide for the following:

- (A) A fixed annual charge to be paid at the times agreed upon and stipulated in the contract;
- (B) Compensation based upon the following:
 - (1) A stipulated price for each call or emergency;
 - (2) The number of members or pieces of equipment employed;
 - (3) The elapsed time of service required in each call or emergency.
- (C) Compensation for loss or damage to equipment while engaged in rendering police services outside the limits of the subdivision that owns and furnishes the equipment;
- (D) Reimbursement of the subdivision in which the police force or law enforcement department members are employed for any indemnity award or premium contribution assessed against the employing subdivision for workers' compensation benefits for injuries or death of its police force or law enforcement department members occurring while engaged in rendering police services pursuant to the contract.

§ 1545.132 Park district law enforcement departments providing police services to political subdivisions without contract.

The police force or law enforcement department of any park district may provide police protection to any county, municipal corporation, township, or township police district of this state, to any other park district or any township park district created pursuant to section 511.18 of the Revised Code, or to a governmental entity of an adjoining state without a contract to provide police protection, upon the approval, by resolution, of the board of park commissioners of the park district in which the police force or law enforcement department is located and upon authorization by an officer or employee of the police force or department providing the police protection who is designated by title of office or position, pursuant to the resolution of the Board of Park Commissioners, to give the authorization.

Chapter 2744. of the Revised Code, insofar as it applies to the operation of police departments, shall apply to any park district and to members of its police force or law enforcement department when those members are rendering police services pursuant to this section outside the park district by which they are employed.

Police force or law enforcement department members acting, as provided in this section, outside the park district by which they are employed shall be entitled to participate in any pension or indemnity fund established by their employer to the same extent as while acting within the park district by which they are employed. Those members shall be entitled to all rights and benefits of Chapter 4123. of the Revised Code to the same extent as while performing services within the park district by which they are employed.

§ 1545.14 Agreements with other public authorities to assume control of parks.

A board of park commissioners may by agreement with the legislative or other public authority in control of parks or park lands either within or without the park district, assume control of all or a portion of any existing parks or park lands or otherwise contract or cooperate with such public authority in connection with the use, development, improvement, and protection of parks or park lands. In such event, such parks or park lands may be developed, improved, and protected as in case of lands

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otherwise acquired by said board. This section does not authorize said board to acquire or control any park, park lands, parkways, playgrounds, other lands, or boulevards owned or controlled by any other public authority except by agreement as provided in this section.

ANNEXATION; IMPROVEMENTS; TAXES AND ASSESSMENTS

§ 1545.15 Annexation procedure.

When conducive to the general welfare, any territory adjacent and contiguous to an existing park district, whether located within or without the county in which such district was created, may be annexed to such district. When a petition is filed with the board of park commissioners requesting such annexation, containing an accurate description of the territory proposed to be annexed, accompanied by an accurate map or plat of such territory, and signed either by a majority of the electors residing within such territory or by not less than fifty such electors, the board shall determine whether it is advisable that such annexation should be made. If the board determines in favor of such annexation, it shall make application to the probate court of the county in which such territory is located, setting forth the fact of the filing of such petition and the reasons why it is advisable that such territory should be annexed to such district. Any such board may of its motion file such petition in such court. Upon the filing of such petition, like proceedings shall be had as are provided in section 1545.03 and 1545.04 of the Revised Code upon application for the creation of a park district, except that the territory so annexed may include a part only of an existing township or municipal corporation.

§ 1545.16 Powers of budget commissioners, auditors, and treasurers in relation to park districts.

In the event of the annexation to a park district of territory located in a county other than the county in which such district was created, the budget commissioners of the county in which such annexed territory is located shall exercise, the reference to such annexed territory, the powers conferred upon budget commissioners by section 1545.20 of the Revised Code, and the county auditor and county treasurer of the county in which such annexed territory is located shall exercise, with reference to taxes levied and collected by the board of park commissioners upon such annexed territory, the powers conferred upon auditors and treasurers by section 1545.22 of the Revised Code.

§ 1545.17 Improvement of public highway.

When a public highway extends into or through a park area, or when a public highway forms all or part of a suitable connection between two or more park areas, and it is deemed advisable to make alterations in the route or width of such highway, or to grade, drain, pave, or otherwise improve such highway, boards of park commissioners may enter into agreements with the public authorities in charge or control of so much of said highway as lies within such park area or which forms the whole or part of a connecting link between two or more park areas, providing for the doing of any of such things, under the procedure authorized by law in case of such public authorities, and for the payment by such boards of so much of the cost thereof as is agreed upon. This section does not affect the legal status of such highway.

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§ 1545.18 Assessment of cost of improvement.

In the development and improvement of the lands acquired by a board of park commissioners, such board may assess such portion of the cost of such development or improvement as it deems equitable, not to exceed fifty per cent of such total cost, upon abutting, contiguous, adjacent, or otherwise specifically benefited lands, in an amount not in excess of and in proportion to the special benefits conferred upon such lands by such development or improvement. Such assessment shall be payable in not to exceed ten equal annual installments, and said board may borrow money in anticipation of the collection of such special assessments. The proceedings had in the levying and collection of such special assessments, including the issue of bonds of the park district in anticipation of the collection of deferred assessments, shall be as provided in case of the levy and assessment of special assessments for street improvements in municipal corporations, insofar as such proceedings are applicable. If any such assessment is twenty-five dollars or less, or whenever the unpaid balance of any such assessment is twenty-five dollars or less, such assessment shall be paid in full, and not in installments, at the time when the first or next installment would otherwise become due and payable.

§ 1545.19 Assessment may be increased with consent of property owners.

In case of any development or improvement, the assessments authorized by section 1545.18 of the Revised Code shall not in aggregate exceed the cost of a development or improvement sufficient only to serve that need of the property to be assessed, unless the development or improvement has been petitioned for by the owners of not less than sixty per cent, both in foot frontage and in tax valuation, of the property to be assessed, consenting to a larger assessment than provided for in this section and section 1545.18 of the Revised Code, in which event such larger assessment may be levied to the extent specified in such petition.

Any owner of property to be assessed in accordance with section 545.18 of the Revised Code may appeal to the probate court in the county in which such property is located from the action of the board of park commissioners in the matter of the determination of the aggregate amount to be assessed for any given development or improvement or in the matter of the determination of the assessment against any specific property, or both, in the manner provided in sections 6117.01 to 6117.40, inclusive, of the Revised Code, and the court may review and modify the action of the board with respect to such assessments.

§ 1545.20 Tax levy.

A board of park commissioners may levy taxes upon all the taxable property within the park district in an amount not in excess of one-half of one mill upon each dollar of the assessed value of the property in the district in any one year, subject to the combined maximum levy for all purposes otherwise provided by law. After the budget commission of the county in which said district is located certifies such levy, or such modification thereof as it deems advisable, to the county auditor, he shall place it upon the tax duplicate. The board may then borrow money in anticipation of the collection of such tax, and issue the negotiable notes of such board therefor in an amount not in excess of fifty percent of the proceeds of such tax, based upon the amount of the current tax valuation. Such notes shall not be issued for a period longer than one year, and shall be payable out of the proceeds of such levy. To the extent of such notes and the interest which accrues thereon such levy shall be exclusively appropriated to the payment of such notes. Any portion of such notes remaining unpaid through any

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deficiency in such levy shall be payable out of the next ensuing levy which shall be made by said board in the next ensuing year in an amount at least sufficient to provide for the payment of said notes, but not in excess of one half of one mill in accordance with section 133.17 of the Revised Code.

§ 1545.21 Voted tax levy; anticipation bonds.

The board of park commissioners, by resolution, may submit to the electors of the park district the question of levying taxes for the use of the district. The resolution shall declare the necessity of levying such taxes, shall specify the purpose for which such taxes shall be used, the annual rate proposed, and the number of consecutive years the rate shall be levied. Such resolution shall be forthwith certified to the board of elections in each county in which any part of such district is located, not later than the seventy-fifth day before the day of the election, and the question of the levy of taxes as provided in such resolution shall be submitted to the electors of the district at a special election to be held on whichever of the following occurs first:

(A) The day of the next general election;

(B) The first Tuesday after the first Monday in May in any calendar year, except that if a presidential primary election is held in that calendar year, then the day of that election. The ballot shall set forth the purpose for which the taxes shall be levied, the annual rate of levy, and the number of years of such levy. If the tax is to be placed on the current tax list, the form of the ballot shall state that the tax will be levied in the current tax year and shall indicate the month of that year when the tax will first be levied. If the resolution of the board of park commissioners provides that an existing levy will be canceled upon the passage of the new levy, the ballot may include a statement that: "an existing levy of...mills (stating the original levy millage), having...years remaining, will be canceled and replaced upon the passage of this levy." In such case, the ballot may refer to the new levy as a "replacement levy" if the new millage does not exceed the original millage of the levy being canceled or as a "replacement and additional levy" if the new millage exceeds the original millage of the levy being canceled. If a majority of the electors voting upon the question of such levy vote in favor thereof, such taxes shall be levied and shall be in addition to the taxes authorized by section 1545.20 of the Revised Code, and all other taxes authorized by law. The rate submitted to the electors at any one time shall not exceed two mills annually upon each dollar of valuation. When a tax levy has been authorized as provided in this section or in section 1545.041 of the Revised Code, the board of park commissioners may issue bonds in pursuant to section 133.24 of the Revised Code in anticipation of the collection of such levy, provided that such bonds shall be issued only for the purpose of acquiring and improving lands. Such levy, when collected, shall be applied in payment of the bonds so issued and the interest thereon. The amount of bonds so issued and outstanding at any time shall not exceed one per cent of the total tax valuation in such district. Such bonds shall bear interest at a rate not to exceed the rate provided in section 9.95 of the Revised Code.

§ 1545.211 Tax anticipation notes to meet current expenses and debt charges.

In addition to the authority conferred by section 1545.21 of the Revised Code, in anticipation of the collection of current revenues in and for any fiscal year, the board of park commissioners may borrow money and issue notes therefor in anticipation of the receipt of taxes for debt charges or current expenses to the extent necessary to meet such charges or expenses, but not in excess of the estimated receipts for the current tax year, less all advances. The sums so anticipated shall be deemed appropriated for the payment of such notes at maturity. The notes shall not run more than one year,

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nor bear interest at a rate exceeding the rate provided in section 9.95 of the Revised Code, and the proceeds therefrom shall be used only for the purposes for which the anticipated taxes were levied. No board shall borrow money or issue notes in anticipation of such taxes before the first day of January of the year of such tax receipts.

§ 1545.22 Appointed treasurer's duties; depositories; certification of funds; duties of county auditor.

(A) If a treasurer is appointed by a board of park commissioners pursuant to section 1547.07 of the Revised Code, the accounts of the board shall be kept by that treasurer. The treasurer shall be an ex officio officer of the board. No contract of the board shall become effective until the treasurer certifies that there are funds of the board sufficient to provide for that contract.

(B) If no treasurer is appointed by the board pursuant to section 1545.07 of the Revised Code:

(1) All funds under the control of a board of park commissioners shall be kept in depositories selected in the manner provided for the deposit of county funds, insofar as such proceedings are applicable, and such deposits shall be secured as provided in the case of county funds. The county treasurer of the county in which the park district is located shall be the custodian of the funds of the board and shall be an ex officio officer of the board. He shall pay the funds out upon the warrant of the county auditor of the county in which the district is located. Interest earned on all funds under the control of the board of park commissioners shall be credited to such funds.

(2) The county auditor shall be an ex officio officer of the board, and no contract of the board involving the expenditure of money shall become effective until the auditor certifies that there are funds of the board in the custody of the county treasurer and otherwise unappropriated sufficient to provide therefore. The auditor shall draw warrants on the treasurer to disburse the funds of the board upon order of the board, evidenced by the certificate of its secretary.

(3) Any such board of park commissioners may select a depository for the funds of the district, in the manner provided in sections 135.01 to 135.21 of the Revised Code, upon the adoption of a resolution declaring such intent. The resolution shall be certified to the board of county commissioners and to the treasurer in the counties in which the district is located. The board of park commissioners shall thereupon become the governing board for such district with respect to the deposit of funds of such district.

(C) If no deposits to or expenditures from the funds of a park district have been made for a period of five years, the county auditor shall send written notice to the probate court of the county.

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§ 1545.23 Definition of bonds — Repealed.

§ 1545.24 Issuance of bonds.

The board of park commissioners of any park district may issue bonds for the purpose of acquiring and improving lands as authorized by section 1545.11 of the Revised Code. The board may secure the payment of such bonds by pledge or deed of trust of any of its revenues and receipts resulting from rentals, concessions, licenses, and permits. The board may make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the board deems advisable, and in general may provide for the security of said bonds and the rights of the holders thereof. The board shall not pledge the credit or tax power of the district for the payment of any such bonds, nor shall any of the bonds issued under this section be deemed to be an indebtedness of the district.

§ 1545.25 Procedure for sale of bonds — Repealed.

§ 1545.26 Receivership on default — Repealed.

§ 1545.27 Lawful investments.

Park district revenue bonds are lawful investments of banks, trust companies, trustees, the boards of trustees of the sinking funds of municipal corporations, school districts, and counties, the administrator of workers' compensation, subject to the approval of the workers' compensation board, the state teachers' retirement system, the public employees' retirement system, and the school employees' retirement system, and also are acceptable as security for the deposit of public moneys.

§ 1545.28 Replacement fund.

The board of park commissioners may establish and maintain a replacement fund, and for that purpose may set aside annually out of its revenue such sum as it may determine necessary. In case of total or partial destruction of or injury to any of the property of the park district from any cause, or in case it becomes necessary to demolish part or to repair or replace the same, in whole or in part, because of the unfitness of such property, such replacement funds may be used to rebuild on the original site or elsewhere, or to restore, repair, or improve such property.

Such replacement fund may be invested by such district in bonds of the United States, the state, or of a county, municipal corporation, school district, or township of this state, and when necessary for the purposes of such funds such securities may be disposed of by such district.

LEASE OF CANAL LANDS

§ 1545.29 Lease of canal lands to park districts — Repealed.

§ 1545.30 Procedure for lease of canal lands to park districts — Repealed.

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DISSOLUTION OF PARK DISTRICT

§ 1545.35 Methods of dissolution of park districts; allocation by class of district.

An active park district created under this chapter and to which no territory has been annexed under section 1545.15 of the Revised Code may be dissolved under section 1545.36 or 1545.37 of the Revised Code. An active park district to which territory has been annexed under section 1545.15 of the Revised Code may be dissolved only under the applicable provisions of section 1545.37 of the Revised Code. A park district that has been inactive for five years may be dissolved under section 1545.38 of the Revised Code.

§ 1545.36 Dissolution by petition of voters for election.

(A) When the board of elections of the county in which a park district is located has had filed with it a petition calling for the dissolution of the district, and determines that the petition meets the requirements of this section and section 3501.38 of the Revised Code, the board shall place the issue of the dissolution on the ballot at the next special election to be held on the day of a general or primary election. Written notice of the filing of the petition shall be sent immediately to the board of park commissioners and the probate court that created the district.

(B) The petition shall:

- (1) Be filed with the board no less than seventy-five days before the next election;
- (2) Be supported by the signatures of at least twenty-five per cent of the number of voters in the district who voted in the preceding gubernatorial election.

(C) If the petition as filed does not have the required number of signatures and the time for filing has elapsed, the board shall declare it invalid. No further petition for dissolution shall be received until after the next election is completed. On determination of these findings, the board shall send written notice of them to the principal circulator.

(D) (1) If a majority of the votes cast support the dissolution, the board shall immediately send written notice of the vote, citing the number of votes for and against the issue, to the probate court, to the board of park commissioners, and to the principal circulator. No park district shall be applied for within the dissolved district for a period of four years following the election in which the issue was supported.

(2) If the issue fails to obtain a majority of the votes cast, the board shall receive no further petition for dissolution until the fourth year following that in which the election failed, and shall send written notice of these results to the principal circulator and the board of park commissioners.

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§ 1545.37 Dissolution by application to probate court; procedure where territory has been annexed.

(A) An application for a hearing on dissolution may be filed with the probate court of the county that created the district at any time not prohibited by this section and shall meet the requirements of this section.

(B) The application shall:

(1) Bear the signatures of at least twenty-five per cent of the number of voters in the district who voted in the preceding gubernatorial election;

(2) Bear the name, address, and telephone number of at least one voter registered in the district to be designated the applicant of record. Each applicant of record and the board of park commissioners shall be named parties to the proceedings.

(3) Be accompanied by a complete statement of the issues to be heard, signed by applicant of record. Failure to list completely the issues to be heard may, in the discretion of the court, be grounds for dismissal of the application.

(C) Each page of the application:

(1) Being circulated for signatures shall clearly state the purpose for which it is being circulated and at least one reason supporting that purpose. Each page lacking either statement shall be declared invalid.

(2) Shall be circulated by and signed in the presence of a voter registered in the district and bear a certification signed by him that this requirement has been met. Failure to certify or a false certification shall invalidate the page.

(D) Each signatory shall sign his name as recorded by the board of elections together with his current address and the date. Failure to comply with this division shall invalidate the signature.

(E) The original of the application and statement of issues shall be filed with the court and, concurrently, a copy of each shall be served on the board of park commissioners. Failure to timely serve these documents on the board is grounds for denial of the application.

(F) Upon receipt of the application, the court shall determine its validity in terms of the requirements of divisions (B) to (E) of this section, and may on its own assess the application for validity of the signatures or forward it to the county board of elections for that assessment. Immediately upon determining the state of the application's validity, the court shall send written notice of its findings to each party. If the application is valid, the court shall forthwith set a date for hearing, not less than twenty days nor more than forty days from the date of its findings, and include the date in its notice to each party. Notice of the hearing shall be published in at least one daily newspaper of general circulation within the district for not less than five consecutive days, the period to end no less than ten days before the hearing. Failure to meet the requirement of notice to any party shall not invalidate the proceedings but shall postpone the time of hearing. A corrected notice shall be sent to each party with a new date of hearing set not less than twenty days nor more than forty days from the date of corrected notice, unless each party and the court agree to an earlier date. If the application is found to be invalid, the court shall send written notice to each party that the application is denied and has been impounded by the court. The court shall not receive any further application for hearing on dissolution for two years from the date of original filing.

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On motion, any applicant may be named as a party at the discretion of the court. Any party may be heard on his own or through counsel. On motion by any party made at least five days before the hearing, evidence based on the statement of issues filed with the application shall be heard in accordance with the Rules of Civil Procedure. At the hearing, evidence may be heard at the discretion of the court. Argument for and against the dissolution shall be heard by the court, and may be limited at its discretion. A verbatim record of the hearing shall be taken. Upon completion of the hearing, the court shall issue its findings together with its reasons therefor to all parties. No more than thirty days shall pass between the adjournment of the hearing and the issuing of the findings. If the court finds that dissolution is conducive to the public welfare, no other park district shall be created within the same jurisdiction or part of it pursuant to sections 1545.01 to 1545.04 or 1545.15 of the Revised Code for four years from the date of finding. If the court finds that dissolution is not conducive to the public welfare, it shall find against it. Upon a finding against dissolution, the court shall impound the application, and advise each party that no further application for hearing on dissolution shall be received for four years from the date of finding.

(G) A park district that includes territory annexed under section 1545.15 of the Revised Code shall only be dissolved by order of the probate court that created the district on compliance with this division and divisions (A) to (F) of this section. Pages of the application bearing signatures of registered voters of each annexed territory shall be filed for assessment of their validity with the probate court of the county in which the territory is located. The number of signatures needed to establish validity shall be a majority of the number of voters residing within the annexed territory who voted in the preceding gubernatorial election. Upon determination of its assessment, and in no case more than fifteen days after filing, the probate court of the county in which the annexed territory is located shall forward the pages of the application together with its findings to the probate court that created the district. The probate court that created the district shall incorporate these findings with its assessment of the application filed with it in accordance with division (F) of this section in reaching its determination of the entire application's validity and proceed in accordance with applicable provisions of division (F) of this section.

§ 1545.38 County auditor to certify to probate court if there has been no action in funds of district for five years; procedure for dissolution.

On receipt of written notice from the county auditor that no deposits to or expenditures from the funds of a park district have been made for a period of five years, the probate court shall immediately serve written notice on the board of park commissioners and the auditor of a date for hearing on the dissolution of the district. The notice shall also order the board to forward to the court a complete, current financial statement of the assets and liabilities of the district, an inventory of its real and personal property, available deeds to, maps or plats for, and other records of real property of the park district, and copies of any available plans of the district for park acquisition and development, or capital improvements. A copy of the notice shall be served on each party. The court shall publish notice of the hearing for five consecutive days in a daily newspaper of general circulation within the district, ending not less than fifteen days before the hearing. The issue of

dissolution shall be heard and determined by the court in accordance with the applicable provisions of division (F) of section 1545.37 of the Revised Code. If the court finds for dissolution, it shall, as applicable, proceed in accordance with section 1545.40 of the Revised Code.

§ 1545.39 No land to be acquired during pendency of proceedings.

On receipt of notice of the filing of a petition with the county board of elections or an application for hearing or a notice of hearing from the probate court, the board of park commissioners shall cease all acquisition of land and the development of existing land unless valid options or contracts for which funds have been committed have been previously signed. No activity shall be resumed until the board of elections or the court determines, respectively, that the petition or application is invalid and the issue will not be voted on or heard, or the issue fails election, or the court finds against dissolution, whichever is earlier.

§ 1545.40 Probate court to supervise winding up of district business; disposition of property; termination of tax levies.

On dissolution of a park district, the board of park commissioners is dissolved and all of its duties and responsibilities shall be exercised by the probate court until all of the board's business is completed and all of its property disposed of. The court may retain special counsel and another person who in the court's discretion are qualified to assist it in the closing out of business and disposal of property and any employee of the district the court determines is necessary to closing out the business or to maintaining the property of the district in good order until it is disposed of. Any employee not retained by the court shall be terminated within ten working days of the board's dissolution and paid one month's base salary or for one hundred seventy-three hours, whichever is applicable, in addition to all other pay and allowances due him. The same shall be paid to any employee retained by the court upon his termination.

The court shall send the director of natural resources notice of the dissolution together with an inventory of the district's real property, any personal property of the district that he considers to be functionally related to the use or management of the real property, and a full and accurate statement of any indebtedness that is secured by the real property. The director shall, within sixty days of receipt of such notice, notify the court of his acceptance or rejection of any such real property and its related personal property and indebtedness. If the director accepts, the court shall convey the real property to the state, subject to any deed or other restrictions placed upon use of the real property as a condition of receiving federal or state assistance for its acquisition or development, and transfer the related personal property to the department of natural resources. If the director rejects, the court shall convey any real property of the district and transfer any related personal property to any other agency of the state or any political subdivision or instrumentality of the state located within the former park district or within a county in which territory that was annexed to the district is located, that is interested in acquiring the real property for parks and recreation, conservation, or other public purposes, in that order of priority, and that is willing to

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assume any related indebtedness and fulfill any deed restrictions and any other restrictions placed upon use of the real property as a condition of receiving federal or state assistance for its acquisition or development.

If no state agency, political subdivision, or instrumentality of the state is willing to accept the real property and related personal property and indebtedness, the court shall convey such property to the board of county commissioners of the county in which the property is located. The board of county commissioners may sell, lease, or transfer such property in accordance with sections 307.09 to 307.12 of the Revised Code. If there is any outstanding indebtedness on such property sold or leased, the proceeds from the sale or lease shall be paid into the fund from which payments are made to extinguish the indebtedness on such property and the proceeds shall be used for that purpose; otherwise the proceeds shall be paid into the general fund of the county. The budget commission shall continue to levy and collect taxes necessary for the payment of any outstanding indebtedness of the district for which tax revenues of the district were pledged and that is not otherwise assumed.

Except as otherwise provided in this section, upon dissolution of a park district, the probate court

shall order the budget commission of each county affected to terminate the tax levies of the park district, levied under section 1545.20 or 1545.21 of the Revised Code, and the assessments levied under section 1545.18 of the Revised Code and divide the net indebtedness of the district among the state, public subdivisions, and instrumentalities that acquire the district's real property on the basis of the market value of the real property that each acquires. Upon disposal of the district's real property, the court shall notify the budget commission, which shall transfer the remaining funds of the district to the proper authorities.

§ 1545.99 Penalty.

Whoever violates section 1545.09 of the Revised Code shall be fined not more than one hundred dollars for a first offense; for each subsequent offense such person shall be fined not more than five hundred dollars.

RECREATION CENTERS AND RECREATION BOARD

§ 755.13 Supervision and maintenance of recreation facilities; liability insurance; rules of conduct.

(A) The authority to supervise and maintain parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, may be vested in any existing body or board, or in a recreation board, as the legislative authority of the municipal corporation, the board of township trustees, or the board of county commissioners determines. The local authorities of any such municipal corporation, township, or county may equip, develop, operate, and maintain such facilities as authorized by sections 755.12 to 755.18 of the Revised Code. Such local authorities may, for purpose of carrying out such sections, employ play leaders, recreation directors, supervisors, superintendents, or any other officers

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or employees, and may procure and pay all or any part of the cost of a policy or policies insuring such officers or employees against liability on account of damage or injury to persons or property arising from the performance of their official duties.

(B) The board of county commissioners may adopt rules for the preservation of good order within parks, playfields, and reservations of land under its jurisdiction and on adjacent highways, rivers, riverbanks, and lakes, and the preservation of property and natural life therein. Such rules shall be published as provided in sections 731.21 to 731.25 of the Revised Code before taking effect, and shall be enforced by a "law enforcement officer" as defined in section 2901.01 of the Revised Code. No person shall violate a rule adopted under this division. Whoever violates a rule adopted under this division shall be fined not more than one hundred dollars. If the offender has previously been convicted of a violation of the rule, the offender shall be fined not more than five hundred dollars. All fines collected for any violation of any rule adopted under this division shall be paid into the general fund of the county treasury.

TITLE V: GENERAL OFFENSES

Chapter

50. DRUG OFFENSES

51. OFFENSES AGAINST PROPERTY AND ENVIRONMENT

52. OFFENSES AGAINST PUBLIC PEACE

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CHAPTER 50: DRUG OFFENSES

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§ 50.01 DEFINITIONS.

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

ADMINISTER. The direct application of a drug, whether by injection, inhalation, ingestion, or any other means to a person or an animal.

BULK AMOUNT. Of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (2) or (5) of this definition, whichever of the following is applicable:

(a) An amount equal to or exceeding 10 grams or 25 unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I opiate or opium derivative;

(b) An amount equal to or exceeding 10 grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding 30 grams or 10 unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;

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(d) An amount equal to or exceeding 20 grams or 5 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II opiate or opium derivative;

(e) An amount equal to or exceeding 5 grams or 10 unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 USC 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

(g) An amount equal to or exceeding 3 grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 USC 301 et seq., as amended) and the federal drug abuse control laws;

(2) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding 20 grams or 5 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule V substance.

(5) An amount equal to or exceeding 200 solid dosage units, 16 grams, or 16 milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III anabolic steroid.

CONTROLLED SUBSTANCE. A drug, compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V of R.C. § 3719.41. (*See editor's note at the end of this section.*)

COUNTERFEIT CONTROLLED SUBSTANCE. Any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to the trademark, trade name, or identifying mark;

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(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

CULTIVATE. Includes planting, watering, fertilizing, or tilling.

DANGEROUS DRUG. Any of the following:

(1) Any drug to which either of the following applies:

(a) Under the Federal Food, Drug, and Cosmetic Act, is required to bear a label containing the legend “Caution: Federal law prohibits dispensing without a prescription” or “Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian” or any similar restrictive statement, or may be dispensed only upon a prescription.

(b) Under R.C. Chapter 3715 or 3719, may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance and that is exempt from R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.

(See editor's note at the end of this section.)

DISPENSE. Sell, leave with, give away, dispose of, or deliver.

DISTRIBUTE. To deal in, ship, transport, or deliver but does not include administering or dispensing a drug.

DRUG.

(1) Any article recognized in the official United States pharmacopeia, national formulary, or any supplement intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

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(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(3) Any article, other than food, intended to affect the structure or any function of the body of man or other animals;

(4) Any article intended for use as component of any article specified in subsection (1), (2), or (3) above; but does not include devices or their components, parts, or accessories.

DRUG ABUSE OFFENSE. Any of the following:

(1) A violation of R.C. § 2913.02(A) that constitutes theft of drugs, or any violation of R.C. § 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37. (*Editor's note: the sections listed are various felony offenses.*)

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (1) above;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under subsection (1), (2), or (3) above.

DRUG OF ABUSE. Any controlled substance, any harmful intoxicant, and any dangerous drug, as defined in this section.

FELONY DRUG ABUSE OFFENSE. Any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

FEDERAL DRUG ABUSE CONTROL LAWS. The *Comprehensive Drug Abuse Prevention and Control Act of 1970*, 84 Stat. 1242, 21 USC 801 et seq., and any amendments or additions thereto or reenactments thereof.

HARMFUL INTOXICANT. Does not include beer or intoxicating liquor, but means any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes but is not limited to, any of the following:

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- (1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;
- (2) Any aerosol propellant;
- (3) Any fluorocarbon refrigerant;
- (4) Any anesthetic gas.

HYPODERMIC. A hypodermic syringe or needle, or other instrument or device for the subcutaneous injection of medication.

JUVENILE. A person under 18 years of age.

LABORATORY. A laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the use of controlled substances for scientific and clinical purposes and for purposes of instruction.

LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS or PRESCRIBER. An individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

- (1) A dentist licensed under R.C. Chapter 4715.
- (2) A advanced practice nurse approved under R.C. § 4723.56 to prescribe drugs and therapeutic devices;
- (3) An optometrist licensed under R.C. Chapter 4725 to practice optometry under a therapeutic pharmaceutical agents certificate.
- (4) A physician authorized under R.C. Chapter 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatry.
- (5) A veterinarian licensed under R.C. Chapter 4741.

MANUFACTURE. To plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

MANUFACTURER. A person who manufactures a controlled substance, as “manufacture” is defined by this section.

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MARIHUANA. All parts of any plant of the genus cannabis, whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant that is incapable of germination.

PHARMACIST. A person licensed under R.C. Chapter 4729 to engage in the practice of pharmacy.

PHARMACY. Except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing, where the practice of pharmacy is conducted.

POSSESS or POSSESSION. Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

PRESCRIPTION. A written, electronic or oral order for drugs or combination or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.

PROFESSIONAL LICENSE. Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in subsections (1) to (35) of R.C. § 2925.01 (W) and that qualifies a person as a professionally licensed person.

PROFESSIONALLY LICENSED PERSON. Any of the persons listed in subsections (1) to (35) of R.C. § 2925.01 (W).

SALE. Includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.

SAMPLE DRUG. A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

SCHOOL. Any school operated by a board of education or any school for which the state board of education prescribes minimum standards under R.C. § 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

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SCHOOL BUILDING. Any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

SCHOOL PREMISES. Either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the state board of education prescribes minimum standards under R.C. § 3301.07 and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

UNIT DOSE. An amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
(R.C. §§ 2925.01, 3719.01, 3719.011, and 4729.01)

Editor's note:

The schedules referred to in this section contain comprehensive lists of the following classes of substances.

Schedule I

- (A) Narcotics - opiates
- (B) Narcotics - opium derivatives
- (C) Hallucinogens
- (D) Depressants
- (E) Stimulants
- (F) Temporary listing of substances subject to emergency scheduling

Schedule II

- (A) Narcotics - opium and opium derivatives
- (B) Narcotics - opiates

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- (C) Stimulants
- (D) Depressants
- (E) Hallucinogenic substances
- (F) Immediate precursors
- (G) Other substances

Schedule III

- (A) Stimulants
- (B) Depressants
- (C) Narcotic antidotes
- (D) Narcotics - narcotic preparations

Schedule IV

- (A) Narcotic drugs
- (B) Depressants
- (C) Fenfluramine
- (D) Stimulants
- (E) Other substances

Schedule V

- (A) Narcotic drugs
- (B) Narcotics - narcotic preparations
- (C) Stimulants

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§ 50.02 DRUG ABUSE.

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

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

(1) Manufacturers, licensed health professional authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4729, 4731, and 4741, or R.C. § 4723.56.

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the *Federal Food, Drug, and Cosmetic Act*, 52 Stat. 1040 (1938), 21 USCA 301 et seq., as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;

(4) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs, where the drug is in the original container in which it was dispensed to such person.

(C) *State law penalty.* Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule I or II of R.C. § 3719.41, with the exception of marihuana, or is cocaine, L.S.D., heroin, or a compound, mixture or preparation containing such drug, drug abuse is a felony to be prosecuted under appropriate state law.

(2) If the drug involved is a compound, mixture, preparation, or substance included in Schedule III, IV, or V of R.C. § 3719.41, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in the following division, possession of drugs is a misdemeanor of the third degree or, if the offender previously has been convicted of a drug abuse offense, it is a misdemeanor of the second degree. If the drug involved in the violation is an anabolic steroid included in Schedule III and if the offense is a misdemeanor of the third degree under this division, in lieu of sentencing the offender to a term of imprisonment in a detention facility, the court may place the offender on conditional probation pursuant to R.C. § 2951.02(F).

(b) If the amount of the drug involved exceeds the bulk amount, possession of drugs is a felony to be prosecuted under appropriate state law.

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(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in the following divisions, possession of marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds 100 grams but does not exceed 200 grams, possession of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved exceeds 200 grams, possession of marihuana is a felony to be prosecuted under appropriate state law.

(4) If the drug involved in the violation is hashish or a compound, mixture, preparation or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in the following divisions, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but does not exceed ten grams of hashish in a solid form or equals or exceeds one gram but does not exceed two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved exceeds ten grams of hashish in a solid form or exceeds two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony to be prosecuted under appropriate state law.

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

(E) In addition to any prison term authorized or required by division (C) of this section and R.C. §§ 2929.13 and 2929.14 and in addition to any other sanction that is imposed for the offense under this section or R.C. §§ 2929.11 through 2929.18, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do the following if applicable regarding the offender:

(1) Notwithstanding any contrary provision of R.C. § 3719.21, the Clerk of Court shall pay a fine imposed for a violation of this section pursuant to R.C. § 2929.18(A) in accordance with and subject to the requirements of R.C. § 2925.03(F). The agency that receives the fine shall use the fine as specified in R.C. § 2925.03(F).

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(2) The court shall suspend for not less than six months nor more than five years the driver's or commercial driver's license or permit of any person who is convicted of or has pleaded guilty to a violation of this section.

(3) If the offender is a professionally licensed person or a person who has been admitted to the Bar by order of the Supreme Court in compliance with its prescribed and published rules, in addition to any other sanction imposed for a violation of this section, the court shall comply with R.C. § 2925.38. (R.C. § 2925.11) Penalty, see § 10.99

Statutory reference:

Felony drug possession offenses, see R.C. § 2925.11(C)

§ 50.03 POSSESSING DRUG ABUSE INSTRUMENTS.

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

(B) This section does not apply to manufacturers, licensed health professional authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with R.C. Chapters 3719, 4715, 4729, 4731, and 4741, or R.C. § 4723.56.

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

(D) (1) Notwithstanding the fines otherwise required to be imposed pursuant to R.C. §§ 2929.21 or 2929.31 for violations of this section and notwithstanding R.C. § 2929.22, the court shall impose a mandatory fine of \$1,000 if the violation of this section was a misdemeanor of the first degree and a mandatory fine of \$750 if the violation of this section was a misdemeanor of the second degree.

(2) The court may impose a fine in addition to a mandatory fine imposed pursuant to division (D)(1) of this section if the total of the additional and mandatory fines does not exceed the maximum fine that could be imposed pursuant to R.C. §§ 2929.21 or 2929.31.

(3) No court shall impose a mandatory fine pursuant to division (D)(1) of this section upon an offender who alleges, in an affidavit filed with the court prior to his sentencing, that he is indigent and is unable to pay any mandatory fine imposed pursuant to that division, if the court determines the offender is an indigent person and is unable to pay the fine.

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(E) In addition to any other penalty imposed for a violation of this section, the court shall suspend for not less than six months nor more than five years the driver's or commercial driver's license of any person who is convicted of or has pleaded guilty to a violation of this section. If the offender is a professionally licensed person or a person who has been admitted to the Bar by order of the Supreme Court in compliance with its prescribed and published rules, in addition to any other penalty imposed for a violation of this section, the court forthwith shall comply with R.C. § 2925.38.

(R.C. § 2925.12) Penalty, see § 10.99

§ 50.04 PERMITTING DRUG ABUSE.

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

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

(C) *State law penalty.* Whoever violates this section is guilty of permitting drug abuse.

(1) Except as provided in division (C)(2) of this section, permitting drug abuse is a misdemeanor of the first degree.

(2) Permitting drug abuse is a felony, and punishable under appropriate state law, if the felony drug abuse offense in question is a violation of R.C. § 2925.02 or 2925.03 and was committed in the vicinity of a school or in the vicinity of a juvenile.

(D) In addition to any prison term authorized or required by division (C) of this section and R.C. §§ 2929.13 and 2929.14, and in addition to any other sanction imposed for the offense under this section or R.C. §§ 2929.11 through 2929.18, the court that sentences a person who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1) The court shall suspend for not less than six months nor more than five years the driver's or commercial driver's license or permit of the offender.

(2) If the offender is a professionally licensed person or a person who has been admitted to the Bar by order of the Supreme Court in compliance with its prescribed and published rules, in addition to any other sanction imposed for a violation of this section, the court shall comply with R.C. § 2925.38.

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(E) Notwithstanding any contrary provision of R.C. § 3719.21, the Clerk of Court shall pay a fine imposed for a violation of this section pursuant to R.C. § 2929.18(A) in accordance with and subject to the requirements of R.C. § 2925.03(F). The agency that receives the fine shall use the fine as specified in R.C. § 2925.03(F).

(R.C. § 2925.13) Penalty, see § 10.99

§ 50.05 ABUSING HARMFUL INTOXICANTS.

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

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

(C) In addition to any other sanction imposed for a violation of this section, the court shall suspend for not less than six months nor more than five years the driver's or commercial driver's license of any person who is convicted of or has pleaded guilty to a violation of this section. If the offender is a professionally licensed person or a person who has been admitted to the Bar by order of the Supreme Court in compliance with its prescribed and published rules, in addition to any other penalty imposed for a violation of this section, the court forthwith shall comply with R.C. § 2925.38.

(R.C. § 2925.31) Penalty, see § 10.99

§ 50.06 COUNTERFEIT CONTROLLED SUBSTANCES.

(A) No person shall knowingly possess any counterfeit controlled substance.

(B) *State law penalty.* Whoever violates this section shall be guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree.

(C) Notwithstanding any contrary provision of R.C. § 3719.21, the Clerk of Court shall pay a fine imposed for a violation of this section pursuant to R.C. § 2929.18(A) in accordance with and subject to the requirements of R.C. § 2925.03(F). The agency that receives the fine shall use the fine as specified in R.C. § 2925.03(F).

(R.C. § 2925.37(A), (G), (M)) Penalty, see § 10.99

Statutory reference:

Trafficking and other felony counterfeit controlled substance offenses, see R.C. § 2925.37(H) - (K)

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§ 50.07 USE, POSSESSION, OR SALE OF DRUG PARAPHERNALIA.

(A) As used in this section, *DRUG PARAPHERNALIA* means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introduced into the human body, a controlled substance in violation of this chapter. *DRUG PARAPHERNALIA* includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;
- (3) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (4) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;
- (5) A scale or balance for weighing or measuring a controlled substance;
- (6) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;
- (7) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (8) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;
- (9) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;
- (10) A container or device for storing or concealing a controlled substance;
- (11) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;

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(12) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(B) In determining if an object is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the object, concerning its use;
- (2) The proximity in time or space of the object, or of the act relating to the object, to a violation of any provision of this chapter or R.C. Chapter 2925;
- (3) The proximity of the object to any controlled substance;
- (4) The existence of any residue of a controlled substance on the object;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the object, to deliver it to any person whom he knows intends to use the object to facilitate a violation of any provision of this chapter or R.C. Chapter 2925. A finding that the owner or anyone in control of the object is not guilty of a violation of any other provision of this chapter or R.C. Chapter 2925 does not prevent a finding that the object was intended or designed by the offender for use as drug paraphernalia.
- (6) Any oral or written instruction provided with the object concerning its use;
- (7) Any descriptive material accompanying the object and explaining or depicting its use;
- (8) National or local advertising concerning the use of the object;
- (9) The manner and circumstances in which the object is displayed for sale;
- (10) Direct or circumstantial evidence of the ratio of the sales of the object to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses of the object in the community;
- (12) Expert testimony concerning the use of the object.

(C) (1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.

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(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if he knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if he knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.

(D) This section does not apply to manufacturers, licensed health professional authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4729, 4731, and 4741, or R.C. § 4723.56. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by R.C. § 3719.172.

(E) Notwithstanding R.C. §§ 2933.42 and 2933.43, any drug paraphernalia that was used, possessed, sold, or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to R.C. § 2933.41(D)(8).

(F) *State law penalty.*

(1) Whoever violates division (C)(1) of this section is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in division (F)(3) of this section, whoever violates division (C)(2) of this section is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates division (C)(2) of this section by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates division (C)(3) of this section is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(G) (1) Notwithstanding the fines otherwise required to be imposed pursuant to R.C. §§ 2929.21 or 2929.31 for violations of this section and notwithstanding R.C. § 2929.22, the court shall impose a mandatory fine of \$1,000 if the violation of this section was a misdemeanor of the first degree, a mandatory fine of \$750 if the violation of this section was a misdemeanor of the second degree, and a mandatory fine of \$250 if the violation of this section was a misdemeanor of the fourth degree.

(2) The court may impose a fine in addition to a mandatory fine imposed pursuant to division (G)(1) of this section if the total of the additional and mandatory fines does not exceed the maximum fine that could be imposed pursuant to R.C. §§ 2929.21 or 2929.31.

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(3) No court shall impose a mandatory fine pursuant to division (G)(1) of this section upon an offender who alleges, in an affidavit filed with the court prior to his sentencing, that he is indigent and is unable to pay any mandatory fine imposed pursuant to that division, if the court determines the offender is an indigent person and is unable to pay the fine.

(H) In addition to any other penalty imposed for a violation of this section, the court shall suspend for not less than six months nor more than five years the driver's or commercial driver's license of any person who is convicted of or has pleaded guilty to a violation of this section. If the offender is a professionally licensed person or a person who has been admitted to the Bar by order of the Supreme Court in compliance with its prescribed and published rules, in addition to any other penalty imposed for a violation of this section, the court forthwith shall comply with R.C. § 2925.38.

(R.C. § 2925.14) Penalty, see § 10.99

§ 50.08 USE OR POSSESSION OF ILLEGAL DRUGS IN PARK.

(A) No person shall use or possess, smoke, drink, have injected into one's self, or otherwise use or possess any type of illegal drug, opiate, hallucinogen, or related paraphernalia within the parks. (Reg. 5.5)

(B) No person shall possess any type of illegal drugs, opiates, hallucinogens or related paraphernalia within the parks. (Reg. 5.5a)
Penalty, see § 10.99

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CHAPTER 51: OFFENSES AGAINST PROPERTY AND ENVIRONMENT

Section

- 51.01 Criminal damaging or endangering
- 51.02 Criminal mischief
- 51.03 Criminal trespass
- 51.04 Encroachment of park land
- 51.05 Desecration
- 51.06 Preservation of property and natural features
- 51.07 Waste materials and litter
- 51.08 Camps
- 51.09 Water regulations
- 51.10 Climbing
- 51.11 Throwing objects
- 51.12 Aerosol paint cans
- 51.13 Pollution, sewage and noxious materials
- 51.14 Golfing and horseback riding
- 51.15 Burning material
- 51.16 Powered models and toys
- 51.17 Aircraft and hot air balloons
- 51.18 Sledding, skiing, and ice skating
- 51.19 Defacement of surface
- 51.20 Roller skating; skateboards

§ 51.01 CRIMINAL DAMAGING OR ENDANGERING.

(A) No person shall cause, or create a substantial risk of physical harm to any property of another without his consent:

(1) Knowingly, by any means;

(2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(B) *State law penalty.* Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. If the property involved in a violation of this section is an aircraft, an aircraft engine, propeller, appliance,

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spare part, or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation creates a risk of physical harm to any person or if the property involved in a violation of this section is an occupied aircraft, criminal damaging or endangering is a felony of the fourth degree, and shall be prosecuted under appropriate state law.

(R.C. § 2909.06) Penalty, see § 10.99

§ 51.02 CRIMINAL MISCHIEF.

(A) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with the property of another;

(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance which is harmful or offensive to persons exposed, or which tends to cause public alarm;

(3) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with a bench mark, triangulation station, boundary marker, or other survey station, monument, or marker;

(4) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose.

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure, or personal property that is on that land.

(B) As used in this section, **SAFETY DEVICE** means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(C) *State law penalty.* Whoever violates this section is guilty of criminal mischief, a misdemeanor of the third degree. If violation of this section creates a risk of physical harm to any person, criminal mischief is a misdemeanor of the first degree. If the property involved in violation of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates a risk of

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physical harm to any person or if the property involved in a violation of this section is an occupied aircraft, criminal mischief is a felony of the fourth degree, and shall be prosecuted under appropriate state law.

(R.C. § 2909.07) Penalty, see § 10.99

§ 51.03 CRIMINAL TRESPASS.

(A) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows he is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified to do so by the owner or occupant, or the agent or servant of either.

(B) It is no defense to a charge under this section that the land or premises involved was owned, controlled, or in custody of a public agency.

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when the authorization was secured by deception.

(D) *State law penalty.* Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(E) As used in this section, **LAND OR PREMISES** includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

(R.C. § 2911.21) Penalty, see § 10.99

§ 51.04 ENCROACHMENT OF PARK LAND.

(A) *Encroachment.* No person or persons shall willingly encroach upon lands owned or administered by Greene County, Board of County Commissioners or Board of Park Commissioners. (Reg. 19.1)

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(B) *Quartering or grazing of livestock.* Quartering or grazing of livestock within the parks is prohibited unless within special permission of the Director or his designated agent. (Reg. 19.2)

(C) *Construction of any blind, stand or observation post.* No person shall construct or utilize any blind, stand or observation post within the parks unless with specific written permission from the Director. (Reg. 19.4)

Penalty, see § 10.99

§ 51.05 DESECRATION.

(A) No person, without privilege to do so, shall purposely deface, damage, pollute, or otherwise physically mistreat any of the following:

- (1) The flag of the United States or of this state;
- (2) Any public monument;
- (3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing, or site of great historical or archaeological interest;
- (4) A place of worship, its furnishings, or religious artifacts or sacred texts within the place of worship;
- (5) A work of art or museum piece;
- (6) Any other object of reverence or sacred devotion.

(B) *State law penalty.* Whoever violates this section is guilty of desecration. Violation of division (A)(1), (2), (3), (5), or (6) of this section is a misdemeanor of the second degree. Violation of division (A)(4) of this section is a misdemeanor of the first degree that is punishable by a fine of up to \$4,000 in addition to the penalties specified for a misdemeanor of the first degree in R.C. § 2929.21.

(C) As used in this section, **CEMETERY** means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains. (R.C. § 2927.11) Penalty, see § 10.99

§ 51.06 PRESERVATION OF PROPERTY AND NATURAL FEATURES.

(A) *Vandalism, defacement, destruction or removal.* No person shall cause serious physical harm to, or remove any property or equipment owned, leased or managed by the Greene County Park District or Greene County Recreation and Parks Department. (Reg. 1.1)

(B) *Defacement, destruction or removal of any natural or historic feature.* No person shall deface, destroy or remove any tree, flower, shrub or other vegetation or fruit or seed thereof, or any rock,

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mineral, fossil, or any archaeological feature. Collecting by permit only for research and noncommercial purposes. (Reg. 1.2)

(C) *Survey markers, park boundary signs and safety devices.* No person without privilege to do so, shall knowingly move, deface, damage, destroy, or otherwise tamper with any survey marker, park boundary marker or safety device. (Reg. 1.5)

Penalty, see § 10.99

§ 51.07 WASTE MATERIALS AND LITTER.

(A) *Household garbage.* No person shall bring into, leave behind, or dump any material of any kind in the parks except the refuse, ashes, or garbage of a picnic, camp, or other permitted activity; such material shall be deposited in receptacles or pits provided for that purpose. (Reg. 2.4)

(B) *Littering.* No person, without the specific written consent of the Director, shall bring into, leave behind, dump, place, or drop in any park area or roadway any trash, debris, refuse, bottle, can, or any other form of refuse in any other place than receptacles provided for that purpose. (Reg. 2.1)

Penalty, see § 10.99

Statutory reference:

Littering; unauthorized use of litter receptacle, see R.C. § 3767.32

Littering from motor vehicles, see R.C. § 4511.82

§ 51.08 CAMPS AND CAMPING.

(A) *Camping and lodging without permission.* No person shall establish or maintain any camp or other temporary lodging or sleeping place within a park without a specific written permit from the Director or his designated agent. (Reg. 8.1)

(B) *Leaving personal possessions.* No person shall leave personal possessions in any park area for more than two hours unattended except by written permit from the Director. (Reg. 8.2)

Penalty, see § 10.99

§ 51.09 WATER REGULATIONS.

(A) *Watercraft regulations.*

(1) *Boating.* No person shall float or attempt to float or operate or attempt to operate any unlicensed or unlicensable watercraft or flotation device in waters of a park. (Reg. 21.1)

(2) *Motors prohibited.* No person shall operate any watercraft with an electric motor or internal combustion powered motor in any waters of a park. (Reg. 21.2)

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(3) *Restricted use.* Licensed watercraft operated by human power or wind power may be operated in areas so designated by the Director. (Reg. 21.3)

(4) *Flotation devices.* No person will operate any watercraft in any waters of the park without a Coast Guard approved flotation device. (Reg. 21.4)

(B) *Swimming prohibited.* Swimming is prohibited except at areas designated for that purpose by the Director. (Reg. 14.1)

(C) *Wading restrictions.* No person shall wade in any waters of the parks with the exception of boating and fishing activities. (Reg. 14.2)
Penalty, see § 10.99

§ 51.10 ROCK CLIMBING AND RAPPELLING.

Rock climbing and rappelling is prohibited within the parks other than in areas so designated by the Director.
(Reg. 1.4) Penalty, see § 10.99

§ 51.11 THROWING OBJECTS.

No person shall throw, toss, drop, propel, or cause, directly or indirectly, the throwing, tossing, dropping, or propelling of any object over or off any cliff, precipice, bridge, observation tower, or other similar structure or natural formation in or adjacent to the park district.
Penalty, see § 10.99

§ 51.12 AEROSOL PAINT CANS.

No person in the park district, except a park district employee or other authorized agent, shall carry on or about their person a container capable of propelling paint by means of a gaseous charge.
Penalty, see § 10.99

§ 51.13 POLLUTION, SEWAGE AND NOXIOUS MATERIALS.

(A) *Pollution.* No person or corporation shall dump, release, or spill any hazardous material or chemical into the air, or land of any park, or adjacent to any park, or into any stream, river, or creek that flows into, through or adjacent to any park. (Reg. 2.2)

(B) *Sewage and noxious materials.* No person or corporation shall bring into any park for the purpose of storing, dumping, or discarding any form of sewage or noxious substance within or adjacent to any park, except in pits provided for such purpose with special permit for the Director. (Reg. 2.3)
Penalty, see § 10.99

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§ 51.14 GOLFING AND HORSEBACK RIDING.

(A) *Golfing.* No person shall practice or play golf in the parks except in areas designated for such purpose by the Director. (Reg. 19.3)

(B) *Horseback riding in nondesignated areas.* Horseback riding is prohibited in all parks and on all trails unless specifically designated as an equestrian trail. (Reg. 13.1)
Penalty, see § 10.99

§ 51.15 BURNING MATERIAL.

No person shall throw away or discard any lighted match, cigar, or cigarette, nor deposit burning material or hot ashes on grass or plants, or in refuse receptacles within or adjacent to the park district.
Penalty, see § 10.99

§ 51.16 POWERED MODELS AND TOYS.

Model boats and cars may be operated in consideration of other park visitors. (Reg. 15.1)
Penalty, see § 10.99

§ 51.17 AIRCRAFT AND HOT AIR BALLOONS.

No person shall voluntarily bring, land, or cause to descend, or alight upon or adjacent to park land or water, any helicopter, airplane, balloon, parachute, hang glider, or other apparatus for aviation, without specific written permission from the Director.
Penalty, see § 10.99

§ 51.18 SLEDDING, SKIING, AND ICE SKATING.

No person shall sled, ski or ice skate within a park except in areas designated for such activities by the Director. (Reg. 18.2)
Penalty, see § 10.99

§ 51.19 DEFACEMENT OF SURFACE.

No person shall knowingly accelerate a motor vehicle causing the tires to spin, mark, squeal and deface the park roadway surface or turf. (Reg. 1.3)
Penalty, see § 10.99

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§ 51.20 ROLLER SKATING; SKATEBOARDS.

(A) Roller skating shall be permitted only in authorized areas of the park district.

(B) The riding of skateboards is prohibited within the park district.

Penalty, see § 10.99

CHAPTER 52: OFFENSES AGAINST PUBLIC PEACE

Section

- 52.01 Riot
- 52.02 Failure to disperse
- 52.03 Disorderly conduct
- 52.04 Disturbing a lawful meeting
- 52.05 Unlawful assemblage
- 52.06 Misconduct at an emergency
- 52.07 Inducing panic
- 52.08 Making false alarms
- 52.09 Noise-making devices
- 52.10 Hours of operation
- 52.11 Loitering
- 52.12 Public intoxication
- 52.13 Posting and displaying signs

§ 52.01 RIOT.

(A) No person shall participate with four or more others in a course of disorderly conduct in violation of § 52.04:

(1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;

(2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;

(3) With purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at the institution.

(B) No person shall participate with 4 or more others with purpose to do an act with unlawful force or violence, even though the act might otherwise be lawful.

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(C) *State law penalty.* Whoever violates this section is guilty of riot, a misdemeanor of the first degree.

(R.C. § 2917.03) Penalty, see § 10.99

§ 52.02 FAILURE TO DISPERSE.

(A) Where five or more persons are participating in a course of disorderly conduct in violation of § 52.04, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance, or alarm, a law enforcement officer or other public official may order the participants and the other persons to disperse. No person shall knowingly fail to obey the order.

(B) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(C) *State law penalty.* Whoever violates this section is guilty of failure to disperse, a minor misdemeanor.

(R.C. § 2917.04) Penalty, see § 10.99

§ 52.03 DISORDERLY CONDUCT.

(A) No person shall recklessly cause inconvenience, annoyance, or alarm to another, by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

(2) Making unreasonable noise or offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;

(3) Insulting, taunting, or challenging another, under circumstances in which such conduct is likely to provoke a violent response;

(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;

(5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.

(B) No person, while voluntarily intoxicated shall do either of the following:

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(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;

(2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.

(C) Violation of any rule, regulation, statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of division (B) of this section.

(D) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe such person is voluntarily intoxicated for purposes of division (B) of this section.

(E) *State law penalty.* Whoever violates this section is guilty of disorderly conduct. Except as otherwise provided in this division, disorderly conduct is a minor misdemeanor. If the offender persists in disorderly conduct after reasonable warning or request to desist, or if the offense is committed in the vicinity of a school or in a school safety zone, disorderly conduct is a misdemeanor of the fourth degree.

(F) As used in this section, **SCHOOL**, **SCHOOL PREMISES**, and **SCHOOL BUILDING** have the same meanings as in R.C. § 2925.01.
(R.C. § 2917.11) Penalty, see § 10.99

§ 52.04 DISTURBING A LAWFUL MEETING.

(A) No person, with purpose to prevent or disrupt a lawful meeting, procession, or gathering, shall do either of the following:

(1) Do any act which obstructs or interferes with the due conduct of the meeting, procession, or gathering;

(2) Make any utterance, gesture, or display which outrages the sensibilities of the group.

(B) *State law penalty.* Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree.
(R.C. § 2917.12) Penalty, see § 10.99

§ 52.05 UNLAWFUL ASSEMBLAGE.

It is unlawful for persons to collect in bodies or crowds in numbers exceeding 15 people within the confines of a nature reserve or sanctuary without an activity use permit, nor shall people collect in bodies or crowds for unlawful purpose or in riotous assemblage or with intent to annoy, harass, or

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inflict property damage or bodily injury upon another person, persons or any park properties.
(Reg. 5.1) Penalty, see § 10.99

§ 52.06 MISCONDUCT AT AN EMERGENCY.

(A) No person shall knowingly:

(1) Hamper the lawful operations of any law enforcement officer, fireman, rescuer, medical person, or other authorized person, engaged in his duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

(2) Fail to obey the lawful order of any law enforcement officer engaged in his duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(B) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of his duties.

(C) *State law penalty.* Whoever violates this section is guilty of misconduct at an emergency, a minor misdemeanor. If violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the fourth degree.
(R.C. § 2917.13) Penalty, see § 10.99

§ 52.07 INDUCING PANIC.

(A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false;

(2) Threatening to commit any offense of violence;

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(B) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.

(C) *State law penalty.*

(1) Whoever violates this section is guilty of inducing panic.

(2) Except as otherwise provided in division (C)(3), inducing panic is a misdemeanor of the first degree.

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(3) If violation of this section results in physical harm to any person, inducing panic is a felony to be prosecuted under appropriate state law. If a violation of this section results in economic harm of \$500 or more, inducing panic is a felony to be prosecuted under appropriate state law. If the public place involved in a violation of division (A)(1) is a school and if the violation results in economic harm, inducing panic is a felony to be prosecuted under appropriate state law.

(D) As used in this section;

ECONOMIC HARM means all direct, incidental and consequential pecuniary harm suffered by a victim as a result of the criminal conduct. The term includes but is not limited to all of the following:

(1) All wages, salaries or other compensation lost as a result of the criminal conduct;

(2) The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

(3) The overhead costs incurred from the time that a business is shut down as a result of the criminal conduct;

(4) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

SCHOOL means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

(R.C. § 2917.31) Penalty, see § 10.99

§ 52.08 MAKING FALSE ALARMS.

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

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that the offense did not occur.

(B) This section does not apply to any person conducting an authorized fire or emergency drill.

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(C) *State law penalty.* Whoever violates this section is guilty of making false alarms. Except as otherwise provided in this division, making false alarms is a misdemeanor of the first degree. If a violation of this section results in economic harm of \$500 or more, making false alarms is a felony to be prosecuted under appropriate state law.

(D) As used in this section, ***ECONOMIC HARM*** means all direct, incidental and consequential pecuniary harm suffered by a victim as a result of the criminal conduct. The term includes but is not limited to all of the following:

- (1) All wages, salaries or other compensation lost as a result of the criminal conduct;
- (2) The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
- (3) The overhead costs incurred from the time that a business is shut down as a result of the criminal conduct;
- (4) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

(R.C. § 2917.32) Penalty, see § 10.99

§ 52.09 NOISE-MAKING DEVICES.

Radios, stereos and tape players. Radios, stereos, tape players and the like will not be operated in the parks at volume that can be heard by other than the said equipments owner. Toy sirens and other noise-making devices are not permitted in the parks.

(Reg. 15.2) Penalty, see § 10.99

§ 52.10 HOURS OF OPERATION.

(A) *Sunset to sunrise curfew.* No person shall be permitted to remain within the parks between sunset and sunrise, prevailing local time, except in an emergency or with special permission of the Director or his designated agent. (Reg. 10.1)

(B) *Special curfew during open hours.* The Director or his designated agent may temporarily close or curtail activities or use upon any lands or waters, or any portions thereof, when it has been deemed necessary to be in the best interest of public safety, conduct, health or order. (Reg. 10.2)

(C) *Nature sanctuaries closed to public.* All of, or a portion of any park may be closed to the public, when it has been determined that all of, or a portion of a park is especially environmentally sensitive to human presence that it is determined to be threatened, or that a species of animal or plant is determined to be threatened or endangered such that human presence will interfere or hinder its growth, or that park, or portion thereof, is in a state of regrowth. That park, or portion thereof, will be closed to the public.

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That park, or portion thereof will be known as a nature sanctuary and entry will be made only by those persons with a specific written permit from the Director, and Rangers in the execution of their office. (Reg. 10.4)

(D) *Bikeways, transportation corridors and linear parks.* Open hours, for acceptable uses, for bikeways, transportation corridors and linear parks shall be established by the Board and posted at facility entrances. (Reg. 10.5)

Penalty, see § 10.99

§ 52.11 LOITERING.

No person or persons shall loiter in or about restroom facilities or vehicles for more than 30 minutes. (Reg. 4.2) Penalty, see § 10.99

§ 52.12 PUBLIC INTOXICATION.

No person shall be under the influence of any beer, intoxicating liquor, controlled substance, or harmful intoxicant within the park district.

Penalty, see § 10.99

Cross-reference:

Alcoholic beverages, see Ch. 91

§ 52.13 POSTING AND DISPLAYING SIGNS.

(A) *Permit required.* No person shall expose, distribute, or place any sign, advertisement, circular, notice, statement or display any banner, emblem, or design, within the parks without a specific permit from the Director. (Reg. 6.1)

(B) *Compliance.* No person shall fail to obey any posted signs. (Reg. 7.2)
Penalty, see § 10.99

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CHAPTER 53: SEX OFFENSES

Section

- 53.01 Definitions
- 53.02 Sexual imposition
- 53.03 Importuning
- 53.04 Voyeurism
- 53.05 Indecent conduct and exposure
- 53.06 Procuring
- 53.07 Solicitation
- 53.08 Prostitution
- 53.09 Disseminating matter harmful to juveniles
- 53.10 Obscene materials

§ 53.01 DEFINITIONS.

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

HARMFUL TO JUVENILES. Any material or performance is ***HARMFUL TO JUVENILES*** if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

- (1) It tends to appeal to the prurient interest of juveniles;
- (2) It contains a display, description, or representation of sexual activity, masturbation, sexual excitement, or nudity;
- (3) It contains a display, description, or representation of bestiality or extreme or bizarre violence, cruelty, or brutality;
- (4) It contains a display, description, or representation of human bodily functions of elimination;
- (5) It makes repeated use of foul language;
- (6) It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being;

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(7) It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity and that, with respect to juveniles, has a dominant tendency to corrupt.

JUVENILE. An unmarried person under the age of 18.

MATERIAL. Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonograph record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch.

MINOR. A person under the age of 18.

NUDITY. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

OBSCENE. When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is **OBSCENE** if any of the following apply:

- (1) Its dominant appeal is to prurient interest;
- (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;
- (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
- (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;
- (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

PERFORMANCE. Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

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PROSTITUTE. A male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

SEXUAL ACTIVITY. Sexual conduct or sexual contact, or both.

SEXUAL CONDUCT. Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SPOUSE. A person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

- (1) When the parties have entered into a written separation agreement authorized by R.C. § 3103.06;
- (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage, or legal separation;
- (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
(R.C. § 2907.01)

§ 53.02 SEXUAL IMPOSITION.

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the persons, or is reckless in that regard.
- (2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person or one of the other persons, submits because of being unaware of the sexual contact.

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(4) The other person, or one of the other persons, is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the person, and the offender is at least 18 years of age and four or more years older than the other person.

(B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(C) *State law penalty.* Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree.

(R.C. § 2907.06) Penalty, see § 10.99

§ 53.03 IMPORTUNING.

(A) No person shall solicit a person under 13 years of age to engage in sexual activity with the offender, whether or not the offender knows the age of the person.

(B) No person shall solicit a person of the same sex to engage in sexual activity with the offender, when the offender knows the solicitation is offensive to the other person, or is reckless in that regard.

(C) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is 18 years of age or older and four or more years older than the other person, and the other person is over 12 but not over 15 years of age, whether or not the offender knows the age of the other person.

(D) *State law penalty.* Whoever violates this section is guilty of importuning. Violation of division (A) or (B) of this section is a misdemeanor of the first degree. Violation of division (C) of this section is a misdemeanor of the fourth degree.

(R.C. § 2907.07) Penalty, see § 10.99

§ 53.04 VOYEURISM.

(A) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(B) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity.

(C) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity if the other person is a minor.

(D) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit

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trespass or otherwise surreptitiously invade the privacy of another to photograph the other person in a state of nudity if the other person is a minor and any of the following applies:

(1) The offender is the minor's natural or adoptive parent, step-parent, guardian or custodian, or person *in loco parentis* of the minor.

(2) The minor is in custody of law or is a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the minor.

(3) The offender is a teacher, administrator, coach or other person in authority employed by or serving in a school for which the State Board of Education prescribes minimum standards pursuant to R.C. § 3301.07(D), the minor is enrolled in or attends that school, and the offender is not enrolled in or does not attend that school.

(4) The offender is a teacher, administrator, coach or other person in authority employed by or serving in an institution of higher education, and the minor is enrolled in or attends that institution.

(5) The offender is a caregiver, administrator or other person in authority employed by or serving in a child day-care center, Type A family day-care home, or Type B family day-care home, and the minor is enrolled in or attends that center or home.

(6) The offender is the minor's athletic or other type of coach, is the minor's instructor, is the leader of a scouting troop of which the minor is a member, provides babysitting care for the minor, or is a person with temporary or occasional disciplinary control over the minor.

(E) *State law penalty.* Whoever violates this section is guilty of voyeurism.

(1) A violation of division (A) of this section is a misdemeanor of the third degree.

(2) A violation of division (B) of this section is a misdemeanor of the second degree.

(3) A violation of division (C) of this section is a misdemeanor of the first degree.

(4) A violation of division (D) of this section is a felony to be prosecuted under appropriate state law.

(F) As used in this section:

BABYSITTING CARE has the same meaning as in R.C. § 2151.011.

CHILD DAY-CARE CENTER, TYPE A FAMILY DAY-CARE HOME and ***TYPE B FAMILY DAY-CARE HOME*** have the same meanings as in R.C. § 5104.01.

INSTITUTION OF HIGHER EDUCATION means a state institution of higher education as defined in R.C. § 3345.031, a private nonprofit college or university located in this state that possesses

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a certificate of authorization issued by the Ohio Board of Regents pursuant to R.C. Chapter 1713, or a school certified under R.C. Chapter 3332.
(R.C. § 2907.08) Penalty, see § 10.99

§ 53.05 INDECENT CONDUCT AND EXPOSURE.

No person shall appear in the parks in a state of nudity, or commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior and no person shall make any indecent exposure of his or her person.

(Reg. 4.1) Penalty, see § 10.99

Statutory reference:

Public indecency, see R.C. § 2907.09

§ 53.06 PROCURING.

(A) No person, knowingly and for gain, shall do either of the following:

(1) Entice or solicit another to patronize a prostitute or brothel;

(2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(B) No person, having authority or responsibility over the use of premises, shall knowingly permit the premises to be used for the purpose of engaging in sexual activity for hire.

(C) *State law penalty.* Whoever violates this section is guilty of procuring, a misdemeanor of the first degree.

(R.C. § 2907.23) Penalty, see § 10.99

§ 53.07 SOLICITATION.

(A) No person shall solicit sexual act or solicit or ask anyone to commit, perform or engage in any lewd, lascivious or indecent acts of behavior.

(Reg. 4.3) Penalty, see § 10.99

Statutory reference:

Soliciting, see R.C. § 2907.24

§ 53.08 PROSTITUTION.

(A) No person shall engage in sexual activity for hire.

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(B) *State law penalty.* Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree.

(R.C. § 2907.25) Penalty, see § 10.99

Statutory reference:

Offenders with knowledge that they test HIV positive, felony, see R.C. § 2907.25(B)

Testing offenders for venereal disease and AIDS, see R.C. § 2907.27

§ 53.09 DISSEMINATING MATTER HARMFUL TO JUVENILES.

(A) No person, with knowledge of its character or content, shall recklessly do any of following:

(1) Sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile any material or performance that is obscene or harmful to juveniles;

(2) Offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile any material or performance that is obscene or harmful to juveniles;

(3) Allow any juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(B) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian, or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question was accompanied by his parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or his agent or employee a draft card, driver's license, birth record, marriage license, or other official or apparently official document purporting to show that the juvenile was 18 years of age or over or married, and the person to whom the document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of 18 and unmarried.

(C) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial, or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge, or other proper person.

(2) Except as provided in division (B)(3) of this section, mistake of age is not a defense to a charge under this section.

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(D) *State law penalty.* Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles but not obscene, violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, and the juvenile to whom it is sold, delivered, furnished, disseminated, provided, exhibited, rented, or presented, the juvenile to whom the offer is made or who is the subject of the agreement, or the juvenile who is allowed to review, peruse, or view it is 13 years of age or older, violation of this section is a felony of the fourth degree and shall be prosecuted under appropriate state law. If the material or performance involved is obscene and the juvenile to whom it is sold, delivered, furnished, disseminated, provided, exhibited, rented, or presented, the juvenile to whom the offer is made or who is the subject of the agreement, or the juvenile who is allowed to review, peruse, or view it is under 13 years of age, violation of this section is a felony of the third degree and shall be prosecuted under appropriate state law.

(R.C. § 2907.31) Penalty, see § 10.99

§ 53.10 OBSCENE MATERIALS.

No person shall bring into a park, display or leave behind any photograph, publication or apparatus of a lewd, lascivious, obscene, indecent or pornographic nature.

(Reg. 4.4) Penalty, see § 10.99

Statutory reference:

Pandering obscenity, see R.C. § 2907.32

CHAPTER 54: GAMBLING

Section

- 54.01 Definitions
- 54.02 Public gaming
- 54.03 Cheating

§ 54.01 DEFINITIONS.

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

BET. The hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

BOOKMAKING. The business of receiving or paying off bets.

CONDUCT. To back, promote, organize, manage, carry on, or prepare for the operation of a scheme or game of chance.

GAMBLING DEVICE.

- (1) A book, totalizer, or other equipment for recording bets;
- (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance, or evidencing a bet;
- (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, punch board, or other apparatus designed for use in connection with a game of chance;
- (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes.

GAMBLING OFFENSE. Any of the following:

- (1) A violation of §§ 54.02 or 54.03, and R.C. § 2915.06;

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(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (1) of this definition;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing any offense under subsections (1), (2), or (3) of this definition.

GAME OF CHANCE. Poker, craps, roulette, a slot machine, a punch board, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely or wholly by chance.

SCHEME OF CHANCE. A lottery, numbers game, pool, or other scheme in which a participant gives a valuable consideration for a chance to win a prize.

SCHEME OR GAME OF CHANCE CONDUCTED FOR PROFIT. Any scheme or game of chance designed to produce income for the person who conducts or operates the scheme or game of chance.

§ 54.02 PUBLIC GAMING.

(A) No person, while within the park district, shall make a bet or play any game of chance.

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

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

(D) *State law penalty.* Whoever violates this section is guilty of public gaming, a minor misdemeanor. If the offender has previously been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(E) Premises used or occupied in violation of division (B) of this section constitute a nuisance subject to abatement pursuant to R.C. §§ 3767.01 to 3767.99.

(R.C. § 2915.04) Penalty, see § 10.99

§ 54.03 CHEATING.

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

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- (1) The subject of a bet;
- (2) A contest of knowledge, skill, speed, strength, or endurance;
- (3) A scheme or game of chance.

(B) *State law penalty.* Whoever violates this section is guilty of cheating, a misdemeanor of the first degree. If the potential gain from cheating is \$300 or more, or if the offender has previously been convicted of any gambling offense or of any theft offense as defined in § 57.01, then cheating is a felony of the fourth degree and shall be prosecuted under appropriate state law.

(R.C. § 2915.05) Penalty, see § 10.99

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CHAPTER 55: OFFENSES AGAINST PERSONS

Section

- 55.01 Assault
- 55.02 Negligent assault
- 55.03 Menacing
- 55.04 Coercion
- 55.05 Contributing to unruliness or delinquency of a child
- 55.06 Telecommunications harassment
- 55.07 Assault, menacing and hazing while in park
- 55.08 Endangering
- 55.09 Abusive language

§ 55.01 ASSAULT.

(A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(B) No person shall recklessly cause serious physical harm to another or to another's unborn.

(C) *State law penalty.* Whoever violates this section is guilty of assault. Except as provided in R.C. § 2903.13(C), assault is a misdemeanor of the first degree.
(R.C. § 2903.13) Penalty, see § 10.99

§ 55.02 NEGLIGENT ASSAULT.

(A) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in R.C. § 2923.11, cause physical harm to another or to another's unborn.

(B) *State law penalty.* Whoever violates this section is guilty of negligent assault, a misdemeanor of the third degree.
(R.C. § 2903.14) Penalty, see § 10.99

§ 55.03 MENACING.

(A) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, such other person's unborn, or a member of the other person's immediate family.

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(B) *State law penalty.* Whoever violates this section is guilty of menacing, a misdemeanor of the fourth degree.

(R.C. § 2903.22) Penalty, see § 10.99

§ 55.04 COERCION.

(A) No person, with purpose to coerce another into taking or refraining from action concerning which he has a legal freedom of choice, shall do any of the following:

(1) Threaten to commit any offense;

(2) Utter or threaten any calumny against any person;

(3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, or to damage his personal or business repute, or to impair his credit;

(4) Institute or threaten criminal proceedings against any person;

(5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.

(B) Divisions (A)(4) and (5) of this section shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interests of justice:

(1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to R.C. § 2945.44;

(2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which he is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;

(3) Imposing probation on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of his offense.

(C) It is an affirmative defense to a charge under division (A)(3), (4), or (5) of this section that the actor's conduct was a reasonable response to the circumstances which occasioned it, and that his purpose was limited to:

(1) Compelling another to refrain from misconduct or to desist from further misconduct;

(2) Preventing or redressing a wrong or injustice;

(3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified;

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(4) Compelling another to take action which the actor reasonably believed the other person to be under a duty to take.

(D) *State law penalty.* Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.

(E) As used in this section, **THREAT** includes a direct threat and a threat by innuendo.
(R.C. § 2905.12) Penalty, see § 10.99

§ 55.05 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

(A) No person shall do either of the following:

(1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child, as defined in R.C. § 2151.022, or a delinquent child, as defined in R.C. § 2151.02;

(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child, as defined in R.C. § 2151.022, or a delinquent child, as defined in R.C. § 2151.02.

(B) *State law penalty.* Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense.

(R.C. § 2919.24) Penalty, see § 10.99

§ 55.06 TELECOMMUNICATIONS HARASSMENT.

(A) (1) No person shall, while communicating with any other person over a telephone, threaten to do bodily harm or use or address to such other person any words or language of a lewd, lascivious, or indecent character, nature, or connotation for the sole purpose of annoying such other person; nor shall any person telephone any other person repeatedly or cause any person to be telephoned repeatedly for the sole purpose of harassing or molesting such other person or his or her family. Any use, communication, or act prohibited by this division (A)(1) may be deemed to have occurred or to have been committed at either the place at which the telephone call was made or was received.

(R.C. § 4931.31)

(2) Whoever violates division (A)(1) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4931.99(B))

(B) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:

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(1) Fails to identify the caller to the recipient of the telecommunication and makes the telecommunication with purpose to harass or abuse any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient.

(2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made.

(3) During the telecommunication, violates R.C. § 2903.21 or a substantially similar municipal ordinance.

(4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged.

(5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any persons at those premises.

(C) No person shall make or cause to be made a telecommunication or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person.

(D) (1) Whoever violates divisions (B) or (C) of this section is guilty of telecommunications harassment.

(2) A violation of division (B)(1), (2), (3) or (5) or (C) of this section is a misdemeanor of the first degree on a first offense and a felony on each subsequent offense, which shall be prosecuted under appropriate state law.

(3) Except as otherwise provided in this division (D)(3), a violation of division (B)(4) of this section is a misdemeanor of the first degree on a first offense and a felony on each subsequent offense, to be prosecuted under appropriate state law. If a violation of division (B)(4) of this section results in economic harm of \$500 or more, telecommunications harassment is a felony to be prosecuted under appropriate state law.

(E) No cause of action may be assessed in any court of this municipality against any provider of a telecommunications service or information service, or against any officer, employee, or agent of a telecommunications service or information service, for any injury, death, or loss to person or property

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that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section. A provider of a telecommunications service or information service, or an officer, employee, or agent of a telecommunications service or information service, is immune from any civil or criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employees, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section.

(F) As used in divisions (B) through (E) of this section;

CALLER. Means the person described in division (B) of this section who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.

ECONOMIC HARM. Means all direct, incidental and consequential pecuniary harm suffered by a victim as a result of the criminal conduct. The term includes but is not limited to all of the following:

- (1) All wages, salaries or other compensation lost as a result of the criminal conduct;
- (2) The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
- (3) The overhead costs incurred from the time that a business is shut down as a result of the criminal conduct;
- (4) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

SEXUAL ACTIVITY. Has the same meaning as in R.C. § 2907.01.

TELECOMMUNICATION and **TELECOMMUNICATIONS DEVICE.** Have the same meanings as in R.C. § 2913.01.

(G) Nothing in this section prohibits a person from making a telecommunication to a debtor that is in compliance with the Fair Debt Collection Practices Act, 15 USC 1692, as amended, or the Telephone Consumer Protection Act, 47 USC 227, as amended.

(R.C. § 2917.21) Penalty, see § 10.99

§ 55.07 ASSAULT, MENACING AND HAZING WHILE IN PARK.

No person or persons shall willfully assault or commit bodily injury upon another while in the parks, or otherwise menace, harass, or haze any person or persons, to be engaged in or abet or aid in any fight, quarrel or other disturbance.

(Reg. 5.3) Penalty, see § 10.99

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§ 55.08 ENDANGERING.

No person or corporation shall either with willful or wanton disregard for safety, endanger the life of another person in a any way, or cause the injury or threaten the personal safety of any person or persons within or adjacent to any parks.

(Reg. 5.7) Penalty, see § 10.99

§ 55.09 ABUSIVE LANGUAGE.

No person shall use obscene, profane or abusive language while in the parks.

(Reg. 5.6) Penalty, see § 10.99

CHAPTER 56: OFFENSES AGAINST JUSTICE AND ADMINISTRATION

Section

- 56.01 Falsification
- 56.02 Failure to aid a law enforcement officer
- 56.03 Failure to obey orders of rangers
- 56.04 Obstructing official business
- 56.05 Obstructing justice
- 56.06 Resisting arrest
- 56.07 Personating an officer
- 56.08 Impersonating a peace officer

§ 56.01 FALSIFICATION.

(A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

- (1) The statement is made in any official proceeding.
- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public official in performing his official function.
- (4) The statement is made with purpose to secure the payment of unemployment compensation, aid for the aged, aid for the blind, aid for the permanently and totally disabled, aid to dependent children, general assistance, disability assistance administered by the Department of Human Services, retirement benefits, or other benefits administered by a governmental agency or paid out of a public treasury.
- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.
- (6) The statement is sworn or affirmed before a notary public or other person empowered to administer oaths.
- (7) The statement is in writing on or in connection with a report or return which is required or authorized by law.

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(8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in R.C. § 2923.11, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

(B) No person, in connection with the purchase of a firearm as defined in R.C. § 2923.11, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) It is no defense to a charge under division (A)(4) of this section that the oath or affirmation was administered or taken in an irregular manner.

(D) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

(R.C. § 2921.13)

(E) No person who has knowingly failed to maintain proof of financial responsibility in accordance with R.C. § 4509.101 shall produce any document with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with R.C. § 4509.101(D)(2).

(R.C. § 4509.102)

(D) *State law penalty.*

Offenses Against Persons

(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11) or (13) of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is \$500 or more, falsification in a theft offense is a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony to be prosecuted under appropriate state law.
(R.C. § 2921.13)

(4) Whoever violates division (E) of this section is guilty of falsification, a misdemeanor of the first degree.
(R.C. § 4509.102) Penalty, see § 10.99

§ 56.02 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

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

(B) *State law penalty.* Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor.
(R.C. § 2921.23) Penalty, see § 10.99

§ 56.03 FAILURE TO OBEY ORDERS OF RANGERS.

No person shall fail to comply with any reasonable order relating to the regulations, directions, safety, control of traffic, or to any other order, lawfully given by any law enforcement officer or any other official in the execution of their office.
(Reg. 7.1) Penalty, see § 10.99

§ 56.04 OBSTRUCTING OFFICIAL BUSINESS.

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

(B) *State law penalty.* Whoever violates this section is guilty of obstructing official business, a misdemeanor of the second degree.
(R.C. § 2921.31) Penalty, see § 10.99

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§ 56.05 OBSTRUCTING JUSTICE.

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

- (1) Harbor or conceal the other person or child;
- (2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
- (3) Warn the other person or child of impending discovery or apprehension;
- (4) Destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning him to testify or supply evidence;
- (5) Communicate false information to any person.

(B) *State law penalty.* Whoever violates this section is guilty of obstructing justice.

(1) If the crime committed by the person aided is a misdemeanor or if the act committed by the child aided would be a misdemeanor if committed by an adult, obstructing justice is a misdemeanor of the same degree as the crime committed by the person aided or a misdemeanor of the same degree that the act committed by the child aided would be if committed by an adult.

(2) If the crime committed by the person aided is a felony or if the act committed by the child aided would be a felony if committed by an adult, obstructing justice is a felony to be prosecuted under appropriate state law.

(C) As used in this section:

ADULT and **CHILD** have the same meaning as in R.C. § 2151.011.

DELINQUENT CHILD has the same meaning as in R.C. § 2151.02.
(R.C. § 2921.32) Penalty, see § 10.99

§ 56.06 RESISTING ARREST.

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

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

(C) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person if either of the following applies:

(1) The offender, during the course of or as a result of the resistance or interference, recklessly causes physical harm to a law enforcement officer by means of a deadly weapon; or

(2) The offender, during the course of the resistance or interference, brandishes a deadly weapon.

(D) *State law penalty.* Whoever violates this section is guilty of resisting arrest. A violation of division (A) of this section is a misdemeanor of the second degree. A violation of division (B) of this section is a misdemeanor of the first degree. A violation of division (C) of this section is a felony to be prosecuted under appropriate state law.

(E) As used in this section, **DEADLY WEAPON** has the same meaning as in R.C. § 2923.11. (R.C. § 2921.33) Penalty, see § 10.99

§ 56.07 PERSONATING AN OFFICER.

(A) No person, with purpose to defraud or knowing that he is facilitating a fraud, or with purpose to induce another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator, or agent of any governmental agency.

(B) *State law penalty.* Whoever violates this section is guilty of personating an officer, a misdemeanor of the first degree. (R.C. § 2913.44) Penalty, see § 10.99

§ 56.08 IMPERSONATING A PEACE OFFICER.

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

PEACE OFFICER means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is employed by a political subdivision of this state, a member of a police force employed by a metropolitan housing authority under R.C. § 3735.31 (D), a state university law enforcement officer appointed under R.C. § 3345.04, an Ohio veterans' home policeman appointed under R.C. § 5907.02, or a state highway patrol trooper and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws, ordinances, or rules of the state or any of its political subdivisions.

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PRIVATE POLICEMAN means any security guard, special policeman, private detective, or other person who is privately employed in a police capacity.

IMPERSONATE means to act the part of, assume the identity of, wear the uniform or any part of the uniform of, or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(B) No person shall impersonate a peace officer or a private policeman.

(C) No person, by impersonating a peace officer or a private policeman, shall arrest or detain any person, search any person, or search the property of any person.

(D) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private policeman, or an officer, agent, or employee of the state.

(E) It is an affirmative defense to a charge under division (B) of this section that the impersonation of the peace officer was for a lawful purpose.

(F) *State law penalty.* Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (C) or (D) of this section is guilty of a misdemeanor of the first degree. If the purpose of a violation of division (D) of this section is to commit or facilitate the commission of a felony, a violation of division (D) is a felony of the third degree and shall be prosecuted under appropriate state law.

(R.C. § 2921.51) Penalty, see § 10.99

CHAPTER 57: THEFT AND FRAUD

Section

- 57.01 Theft
- 57.02 Unauthorized use of a vehicle
- 57.03 Unauthorized use of property
- 57.04 Passing bad checks
- 57.05 Receiving stolen property
- 57.06 Unlawful display of law enforcement emblem

§ 57.01 THEFT.

(A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat.

(B) *State law penalty.* Whoever violates this section is guilty of theft. If the value of the property or services stolen is less than \$300, violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is \$300 or more and is less than \$5,000, or if the offender previously has been convicted of a theft offense, a violation of this section is theft, a felony of the fourth degree and shall be prosecuted under appropriate state law. If the value of the property or services stolen is \$5,000 or more and is less than \$100,000, or if the offender previously has been convicted of two or more theft offenses, a violation of this section is grand theft, a felony of the third degree, and shall be prosecuted under appropriate state law. If the property stolen is a motor vehicle as defined in R.C. § 4501.01, a violation of this section is grand theft of a motor vehicle, a felony of the third degree and shall be prosecuted under appropriate state law. If the value of the property or services stolen is \$100,000 or more, a violation of this section is aggravated theft, a felony of the second degree, and shall be prosecuted under appropriate state law. If the property stolen is any dangerous drug, as defined in R.C. § 4729.01, a violation of this section is theft of drugs, a felony of the fourth degree and shall be prosecuted under appropriate state law, or, if the offender previously has been convicted of a felony drug abuse offense, as defined in R.C. § 2925.01, a felony of the third degree and shall be prosecuted under appropriate state law. (R.C. § 2913.02) Penalty, see § 10.99

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§ 57.02 UNAUTHORIZED USE OF A VEHICLE.

(A) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(B) No person shall knowingly use or operate an aircraft, motor vehicle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent, and either remove it from this state, or keep possession of it for more than 48 hours.

(C) The following are affirmative defenses to a charge under this section:

(1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that he was authorized to use or operate the property.

(2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(D) *State law penalty.* Whoever violates this section is guilty of unauthorized use of a vehicle. Violation of division (A) of this section is a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section or of any other theft offense, violation of division (A) of this section is a felony of the fourth degree and shall be prosecuted under appropriate state law. Violation of division (B) of this section is a felony of the fourth degree and shall be prosecuted under appropriate state law.

(R.C. § 2913.03) Penalty, see § 10.99

§ 57.03 UNAUTHORIZED USE OF PROPERTY.

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

(B) No person shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, telecommunications device, telecommunications service, or information service or other person authorized to give consent by the owner.

(C) The affirmative defenses contained in § 57.02(C) are affirmative defenses to a charge under this section.

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(D) *State law penalty.* Whoever violates division (A) of this section is guilty of unauthorized use of property. Except as otherwise provided in this division, unauthorized use of property is a misdemeanor of the fourth degree. If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is whichever of the following is applicable:

(1) Except as otherwise provided below, unauthorized use of property is a misdemeanor of the first degree.

(2) If the value of the property or services or the loss to the victim is \$500 or more, it is a felony to be prosecuted under appropriate state law.

(E) Whoever violates division (B) of this section is guilty of unauthorized use of computer or telecommunication property, a felony to be prosecuted under appropriate state law.

(R.C. § 2913.04) Penalty, see § 10.99

Statutory reference:

Telecommunications: fraud and unlawful use of a device, felony offenses, see R.C. §§ 2913.05 and 2913.06

§ 57.04 PASSING BAD CHECKS.

(A) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored.

(B) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:

(1) The drawer has no account with the drawee at the time of issue or the stated date, whichever is later.

(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within 30 days after issue or the stated date, whichever is later, and the liability of the drawer, endorser, or any party who may be liable thereon is not discharged by payment or satisfaction within 10 days after receiving notice of dishonor.

(C) For purposes of this section, a person who issues or transfers a check, bill of exchange, or other draft is presumed to have the purpose to defraud if the drawer fails to comply with R.C. § 1349.16 by doing any of the following when opening a checking account intended for personal, family, or household purposes at a financial institution:

(1) Falsely stating that he has not been issued a valid driver's or commercial driver's license or identification card issued under R.C. § 4507.50;

(2) Furnishing the license or card, or another identification document that contains false information;

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(3) Making a false statement with respect to his current address or any additional relevant information reasonably required by the financial institution.

(D) *State law penalty.* Whoever violates this section is guilty of passing bad checks. If the check or other negotiable instrument is for the payment of less than \$300, passing bad checks is a misdemeanor of the first degree. If the check or other negotiable instrument is for payment of \$300 or more and is for the payment of less than \$5,000, or if the offender previously has been convicted of a theft offense, passing bad checks is a felony of the fourth degree and shall be prosecuted under appropriate state law. If the check or other negotiable instrument is for the payment of \$5,000 or more and is for the payment of less than \$100,000 or if the offender previously has been convicted of two or more theft offenses, passing bad checks is a felony of the third degree and shall be prosecuted under appropriate state law. If the check or other negotiable instrument is for the payment of \$100,000 or more, passing bad checks is a felony of the second degree and shall be prosecuted under appropriate state law.

(R.C. § 2913.11) Penalty, see § 10.99

§ 57.05 RECEIVING STOLEN PROPERTY.

(A) No person shall receive, retain, or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(B) *State law penalty.* Whoever violates this section is guilty of receiving stolen property. Except as otherwise provided in this division, receiving stolen property is a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate state law:

- (1) The value of the property involved is \$500 or more;
- (2) The property involved is any of the property listed in R.C. § 2913.71;
- (3) The property involved is a firearm or dangerous ordnance, as defined in R.C. § 2923.11;
- (4) The property involved is a motor vehicle as defined in R.C. § 4501.01; or
- (5) The property involved is any dangerous drug, as defined in R.C. § 4729.01.

(R.C. § 2913.51) Penalty, see § 10.99

§ 57.06 UNLAWFUL DISPLAY OF LAW ENFORCEMENT EMBLEM.

(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.

Theft and Fraud

(B) *State law penalty.* 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. (R.C. § 2913.441) Penalty, see § 10.99

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. LICENSING PROVISIONS

72. TRAFFIC RULES

73. PARKING REGULATIONS

74. EQUIPMENT AND LOADS

75. BICYCLES AND MOTORCYCLES

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CHAPTER 70: GENERAL PROVISIONS

Section

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- 70.01 Definitions
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Bikeways, Transportation Trails and Linear Parks

- 70.20 Modes of transportation
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- 70.31 Stopping and parking
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- 70.33 Width and regulations
- 70.34 Trail users to carry light

- 70.99 Penalty

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

For the purposes of this title, the following words and phrases shall have the following meanings ascribed to them respectively.

ALL PURPOSE VEHICLE. Any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles

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commonly known as all-terrain vehicles, all season vehicles, mini-bikes, and trail bikes, but excluding any self-propelled vehicle not primarily used for purposes of personal transportation, any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under R.C. Chapter 4503 or 4561, and any vehicle excepted from definition as a motor vehicle by R.C. § 4501.01(B).

BICYCLE. Every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride having either two tandem wheels, or one wheel in the front and two wheels in the rear, any of which is more than 14 inches in diameter.

BUS. Every motor vehicle designed for carrying more than 9 passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

COMMERCIAL TRACTOR. Every motor vehicle having motive power designed or used for drawing other vehicles, and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both.

CROSSWALK.

(1) Part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding the foregoing provisions of this division, there shall not be a crosswalk where the city council has placed signs indicating no crossing.

DRIVER or OPERATOR. Any person who drives or is in actual physical control of a vehicle.

EMERGENCY VEHICLE. Emergency vehicles of municipal or county departments or public utility corporations, when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.

GROSS WEIGHT. The weight of a vehicle plus the weight of any load thereon.

INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

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(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.

LANED HIGHWAY. A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

LOCAL AUTHORITIES. Every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.

MOTORCYCLE. Every motor vehicle other than a tractor having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorcycle" without regard to weight or brake horse-power.

MOTORIZED BICYCLE. Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and is equipped with a helper motor of not more than 50 cubic centimeters piston displacement which produces no more than one-brake horsepower, and is capable of propelling the vehicle at a speed of no greater than 20 miles per hour on a level surface.

MOTORIZED WHEELCHAIR. Any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.

MOTOR BUS. Any motor vehicle having motor power designed and used for carrying more than nine passengers.

MOTOR VEHICLE. Every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work, and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed of 25 mph or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural, and vegetable products and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 mph or less.

PARKING or PARKED. The standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver.

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PASSENGER CAR. Any motor vehicle designed and used for carrying not more than nine persons.

PEDESTRIAN. Any natural person afoot.

POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.

PUBLIC SAFETY VEHICLE. Any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;

(5) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a **PUBLIC SAFETY VEHICLE**, shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether such vehicle has already passed a hospital.

(6) Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.

RIGHT-OF-WAY. Either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving, in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;

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(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, **RIGHT-OF-WAY** includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways, the term **ROADWAY** means any roadway separately, but not all the roadways collectively.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be plainly visible at all times.

SEMITRAILER. Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

SIDEWALK. That portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

STOP INTERSECTION. Any intersection at one or more entrances of which stop signs are erected.

STREET or **HIGHWAY.** The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any highway for purposes of travel.

TRAFFIC-CONTROL DEVICES. All flaggers, signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic, including signs denoting names of streets and highways.

TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction, or not to change direction.

TRAILER. Every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a **SEMITRAILER** and a vehicle of the dolly type, such as that commonly known as a **TRAILER DOLLY**, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 mph and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than 25 mph.

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TRUCK. Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

U-TURN. A turn that reverses the direction in which the vehicle making the turn is proceeding.

VEHICLE. Every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except motorized wheelchairs, devices moved by power collected from overhead electric trolley wires, or used exclusively upon stationary rails or tracks, and devices other than bicycles moved by human power.

(R.C. § 4511.01)

§ 70.02 TESTING, WASHING OR REPAIRING VEHICLES IN PARK.

No person shall test, repair, wash or wax any vehicle or mechanical device within the parks.
(Reg. 17.5) Penalty, see § 70.99

USE OF BIKEWAYS, TRANSPORTATION TRAILS AND LINEAR PARKS

§ 70.20 MODES OF TRANSPORTATION.

Use of trail may include but is not limited to bicycles, horses (where designated), walking, hiking, jogging, wheelchairs, scooters, snow skis, skates and skateboards. Human powered vehicles shall only be used for transportation, and operation in a manner unsafe for the operator or other trail users is prohibited. Horse use is restricted to the unpaved portion of the trail except on bridges, crossings or as otherwise posted.

(Reg. 20.1) Penalty, see § 70.99

§ 70.21 SPEED LIMIT ON BIKEWAYS, TRANSPORTATION TRAILS AND LINEAR PARKS.

No person shall exceed the posted speed limit or the designated speed limit of 20 miles per hour.
(Reg. 20.2) Penalty, see § 70.99

§ 70.22 SIGNS, SIGNALS AND CROSSINGS.

No person shall fail to obey any posted signs or signals. Pedestrians have the right-of-way, cross traffic has right-of-way at intersections.

(Reg. 20.3) Penalty, see § 70.99

General Provisions

§ 70.23 MOTORIZED VEHICLES PROHIBITED; EXEMPTION.

No motorized vehicles are permitted on trail. Use of motorized wheelchairs is permitted by persons requiring such devices to be mobile. Emergency, law enforcement and maintenance vehicles are exempted from this rule.

(Reg. 20.4) Penalty, see § 70.99

§ 70.24 PASSING.

Any person passing another person travelling in the same direction along the trail shall announce their intentions before passing. No person shall pass another trail user in a manner which endangers himself or herself or other trail users.

(Reg. 20.5) Penalty, see § 70.99

§ 70.25 CAMPING.

Camping or sleeping along the trail is not permitted except where so designated with a permit.

(Reg. 20.6) Penalty, see § 70.99

§ 70.26 STAGING AREAS.

Designated staging areas are provided along the trails to provide parking and facilities for trail users. Overnight parking by permit only. Loitering in vehicles or in or about restrooms is prohibited.

(Reg. 20.7) Penalty, see § 70.99

§ 70.27 LAW ENFORCEMENT, EMERGENCY AND MAINTENANCE VEHICLES.

Law enforcement, emergency and maintenance vehicles have the right of way on all portions of the trail. Trail users must yield to emergency traffic. Blocking safe passage of law enforcement, emergency and maintenance vehicles is prohibited.

(Reg. 20.10) Penalty, see § 70.99

§ 70.28 EQUIPMENT REQUIREMENTS.

All vehicles using the trail shall be equipped so as to not endanger the operator or other trail users. Trail users operating vehicles after sunset and before sunrise shall have vehicle equipped with front headlight and rear reflector to provide safe passage for operator and other trail users.

(Reg. 20.11) Penalty, see § 70.99

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§ 70.29 UNSAFE EQUIPMENT AND OPERATION.

No person shall knowingly operate an unsafe vehicle on any bikeway, transportation trail or linear park. No person shall operate any vehicle or act in such manner so as to endanger himself, other trail users or private property owners.

(Reg. 20.12) Penalty, see § 70.99

§ 70.30 ENCROACHMENT ON ADJACENT LAND; CONDUCT.

(A) Lands adjacent to bikeways, transportation trails and linear parks are private property except public parks and public staging areas. No person shall trespass from trail onto private property. (Reg. 20.13)

(B) No person will adversely effect or interfere with an adjacent landowners right to privacy. (Reg. 20.14) Penalty, see § 70.99

§ 70.31 STOPPING AND PARKING.

Stopping and parking along the paved portion of the trail is prohibited.

(Reg. 20.9)

Penalty, see § 70.99

§ 70.32 OTHER RULES AND REGULATIONS.

All trail users are subject to all applicable sections of the Ohio Revised Code, Greene County Park District law, state law, and local ordinances.

(Reg. 20.15)

§ 70.33 WIDTH REQUIREMENT.

No person shall operate a human-powered vehicle that is wider than 42 inches and longer than 96 inches.

§ 70.34 TRAIL USERS MUST CARRY LIGHT.

Visitors using the trail after sunset and before sunrise shall carry a light with them to provide safe passage.

General Provisions

§ 70.99 PENALTY.

(A) Whoever violates any provision of this traffic code for which no penalty otherwise is provided shall be punished as provided in § 10.99.

(B) *State law penalty.* Whoever violates any provision of this traffic code for which no penalty otherwise is provided is guilty of one of the following:

(1) If the offender previously has not been convicted of or pleaded guilty to a violation of any provision of this traffic code for which no penalty is otherwise provided or of a municipal ordinance that is substantially similar to any provisions of this traffic code for which no penalty is otherwise provided, a minor misdemeanor;

(2) If, within one year of the first offense, the offender previously has been convicted of or pleaded guilty to one violation of any provision described in subsection (1) of this division (B) or any municipal ordinance that is substantially similar to those provisions, a misdemeanor of the fourth degree;

(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of any provision described in subsection (1) of this division (B) or any municipal ordinance that is substantially similar to those provisions, a misdemeanor of the third degree. (R.C. § 4511.99(D))

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CHAPTER 71: LICENSING PROVISIONS

Section

General Provisions

71.01 Display of license plates or validation stickers

Prohibitions

- 71.05 Prohibited acts
- 71.06 Prohibition against permitting minor to operate vehicle
- 71.07 Display of license
- 71.08 Prohibition against false statements
- 71.09 Expired plates
- 71.10 Use of unauthorized plates
- 71.11 Operating with number of former owner

GENERAL PROVISIONS

§ 71.01 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS.

(A) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under R.C. §§ 4503.19 and 4503.191, furnished by the Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an in-transit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, trailer, or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker only on the rear license plate, except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the validation sticker on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(B) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under R.C. § 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear

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window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

(R.C. § 4503.21)

(C) *State law penalty.* Whoever violates any provision of this section is guilty of a minor misdemeanor. (R.C. § 4503.99 (B))

Penalty, see § 70.99

PROHIBITIONS

§ 71.05 PROHIBITED ACTS.

No person shall:

(A) 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, revoked, suspended, or altered;

(B) Lend to a person not entitled thereto, or knowingly permit him 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;

(C) 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;

(D) Fail to surrender to the registrar of motor vehicles, upon his demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit which has been suspended, canceled, or revoked;

(E) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit or any renewal or duplicate thereof, knowingly conceal a material fact or present any physician's statement required under R.C. §§ 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(R.C. § 4507.30)

(F) *State law penalty.* Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99 (H))

Penalty, see § 70.99

Licensing Provisions

§ 71.06 PROHIBITION AGAINST PERMITTING MINOR TO OPERATE VEHICLE.

(A) No person shall cause or knowingly permit any minor under 18 to drive a motor vehicle upon a highway as an operator, unless the minor has first obtained a license or permit to drive a motor vehicle under R.C. §§ 4507.01 through 4507.39. (R.C. § 4507.31)

(B) *State law penalty.* Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(H))
Penalty, see § 70.99

§ 71.07 DISPLAY OF LICENSE.

(A) The driver or commercial driver of a motor vehicle shall display his license, or furnish satisfactory proof that he has a 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 driver or commercial driver has his license on or about his person, he shall not refuse to display the license. Failure to furnish satisfactory evidence that the person is licensed under R.C. §§ 4507.01 through 4507.30, when the person does not have his license on or about his person, shall be prima facie evidence of his not having obtained a license.
(R.C. § 4507.35)

(B) *State law penalty.* Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(H))
Penalty, see § 70.99

§ 71.08 PROHIBITION AGAINST FALSE STATEMENTS.

(A) No person shall knowingly make a false statement as to any matter or thing required by the provisions of this traffic code. (R.C. § 4507.36)

(B) *State law penalty.* Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(H))
Penalty, see § 70.99

§ 71.09 EXPIRED PLATES.

(A) Except as provided by R.C. §§ 4503.103, 4503.173, 4503.41, 4503.43, and 4503.46, no person who is the owner or chauffeur of a motor vehicle operated or driven upon the public roads or highways shall fail to file annually the application for registration or to pay the tax therefor.
(R.C. § 4503.11)

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(B) *State law penalty.* Whoever violates this section is guilty of a misdemeanor of the fourth degree. (R.C. § 4503.99(A))
Penalty, see § 70.99

§ 71.10 USE OF UNAUTHORIZED PLATES.

(A) No person shall operate or drive a motor vehicle upon the public roads and highways of this park district if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
- (3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public roads and highways in this park district when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this park district during the 30-day period described in R.C. § 4503.12(C).

(B) A person who fails to comply with the transfer of registration provisions of R.C. § 4503.12 and is charged with a violation of that section shall not be charged with a violation of this section. (R.C. § 4549.08)

(D) *State law penalty.* Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. (R.C. § 4549.99(D))
Penalty, see § 70.99

§ 71.11 OPERATING WITH NUMBER OF FORMER OWNER.

(A) No person shall operate or drive upon the highways of this park district a motor vehicle acquired from a former owner who has registered the same, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (R.C. § 4549.11)

(B) *State law penalty.* Whoever violates any this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree. (R.C. § 4549.99(A))
Penalty, see § 70.99

CHAPTER 72: TRAFFIC RULES

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- 72.002 Vehicles traveling in opposite directions
- 72.003 Emergency vehicles to proceed cautiously past red or stop signal
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GENERAL PROVISIONS

§ 72.001 LANES OF TRAVEL UPON ROADWAYS.

(A) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When making a left turn under the rules governing such movements;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

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(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a traffic-control device, park ranger, or other official within the park.

(B) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

(C) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (A)(2) of this section.

(D) Division (C) of this section shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.
(R.C. § 4511.25) Penalty, see § 70.99

§ 72.002 VEHICLES TRAVELING IN OPPOSITE DIRECTIONS.

Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other half of the main traveled portion of the roadway or as nearly half as is reasonably possible.
(R.C. § 4511.26) Penalty, see § 70.99

§ 72.003 EMERGENCY VEHICLES TO PROCEED CAUTIOUSLY PAST RED OR STOP SIGNAL.

The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past the red or stop sign or signal with due regard for the safety of all persons using the street or highway.
(R.C. § 4511.03) Penalty, see § 70.99

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§ 72.004 OBEYING TRAFFIC-CONTROL DEVICES.

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

(B) No provision of those sections for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective even though no signs are erected or in place. (R.C. § 4511.12) Penalty, see § 70.99

§ 72.005 PROHIBITION AGAINST ALTERATION, DEFACING, OR REMOVAL.

No person without lawful authority shall do any of the following:

(A) Knowingly move, deface, damage, destroy or otherwise improperly tamper with any traffic control device, any railroad sign or signal, or any inscription, shield or insignia on the device, sign, or signal or any part of the device, sign, or signal.

(B) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs, or other devices intended to protect it;

(C) Knowingly move, damage, destroy,, or otherwise improperly tamper with a manhole cover. (R.C. § 4511.17)

(D) *State law penalty.*

(1) Whoever violates divisions (A) or (C) of this section is guilty of a misdemeanor of the third degree. If a violation of divisions (A) or (C) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. A violation of divisions (A) or (C) of this section that causes serious physical harm to property that is owned, leased, or controlled by a state or local authority is a felony of the fourth degree and shall be prosecuted under appropriate state law. (R.C. § 4511.99(K))

(2) Whoever violates division (B) of this section shall be subject to the state law penalty as set forth in § 70.99.
Penalty, see § 70.99

Traffic Rules

§ 72.006 ONE-WAY HIGHWAYS AND ROTARY TRAFFIC ISLANDS.

(A) The legislative authority may designate any highway or any separate roadway under its jurisdiction for one-way traffic, and shall erect appropriate signs giving notice thereof.

(B) Upon a roadway designated and posted with signs for one-way traffic, a vehicle shall be driven only in the direction designated.

(C) A vehicle passing around a rotary traffic island shall be driven only to the right of the island. (R.C. § 4511.32) Penalty, see § 70.99

§ 72.007 RULES FOR DRIVING IN MARKED LANES.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, or wherever within the park district traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

(A) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from the lane or line until the driver has first ascertained that the movement can be made with safety.

(B) Upon a roadway which is divided into three lanes and provides for the two-way movement of traffic, a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and is posted with signs to give notice of such allocation.

(C) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.

(D) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device. (R.C. § 4511.33) Penalty, see § 70.99

§ 72.008 SPACE BETWEEN MOVING VEHICLES.

(A) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicle and the traffic upon and the condition of the highway.

(B) The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions

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permit, between the vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy the space without danger. This division does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

(R.C. § 4511.34) Penalty, see § 70.99

§ 72.009 NO PASSING.

No person, while operating a vehicle on a park road, except authorized agents in park vehicles, shall pass another moving vehicle on the left, except as set forth in § 72.001.

Penalty, see § 70.99

§ 72.010 RULES FOR TURNS AT INTERSECTIONS.

(A) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection, and, after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane of the roadway being entered lawfully available to traffic moving in that lane.

(B) The park district may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed, no operator of a vehicle shall turn the vehicle at an intersection other than as directed and required by the markers, buttons, or signs.

(R.C. § 4511.36) Penalty, see § 70.99

Traffic Rules

§ 72.011 TURNING IN ROADWAY PROHIBITED.

(A) Except as provided in division (B) of this section, no vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if such vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction.

(B) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This division applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle, or bell. This division does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(R.C. § 4511.37) Penalty, see § 70.99

§ 72.012 RULES FOR STARTING AND BACKING VEHICLES.

(A) No person shall start a vehicle which is stopped, standing, or parked, until the movement can be made with reasonable safety.

(B) Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

(R.C. § 4511.38) Penalty, see § 70.99

§ 72.013 TURN AND STOP SIGNALS.

(A) No person shall turn a vehicle or move right or left upon a highway unless and until the person has exercised due care to ascertain that the movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.

(B) When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(C) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear, when there is opportunity to give a signal.

(D) Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic the intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the

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top of the steering post of the rear limit of the body or load thereof exceeds 14 feet, whether a single vehicle or a combination of vehicles.

(E) The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(R.C. § 4511.39) Penalty, see § 70.99

§ 72.014 HAND AND ARM SIGNALS.

All signals required by the provisions of this traffic code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and the signals shall indicate as follows:

(A) Left turn, hand and arm extended horizontally;

(B) Right turn, hand and arm extended upward;

(C) Stop or decrease speed, hand and arm extended downward.

(R.C. § 4511.40) Penalty, see § 70.99

§ 72.015 COMPLIANCE WITH ORDER OF POLICE OFFICER.

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

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

(C) *State law penalty.* Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of division (A) of this section is a misdemeanor of the first degree. A violation of division (B) of this section is a misdemeanor of the first degree, except that a violation of division (B) of this section is a felony of the fourth degree and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

(1) In committing the offense, the offender was fleeing immediately after the commission of a felony;

(2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;

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(3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(D) As used in this section, **POLICE OFFICER** has the same meaning as in R.C. § 4511.01. (R.C. § 2921.331) Penalty, see § 70.99

§ 72.016 PROHIBITION AGAINST RESISTING OFFICER.

(A) No person shall resist, hinder, obstruct, or abuse any ranger or other official while such official is attempting to arrest offenders under the provisions of this title. No person shall interfere with any person charged under such sections with the enforcement of the law relative to park roads. (R.C. § 4513.36)

(B) *State law penalty.* Whoever violates this section is guilty of a minor misdemeanor. (R.C. § 4513.99 (A))
Penalty, see § 70.99

RIGHT-OF-WAY

§ 72.030 RIGHT-OF-WAY AT INTERSECTIONS.

(A) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(B) The right-of-way rule declared in division (A) of this section is modified at through highways and otherwise as stated in this traffic code. (R.C. § 4511.41) Penalty, see § 70.99

§ 72.031 RIGHT-OF-WAY WHEN TURNING LEFT.

The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road, driveway, or parking area shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. (R.C. § 4511.42) Penalty, see § 70.99

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§ 72.032 RIGHT-OF-WAY AT THROUGH HIGHWAYS; STOP SIGNS; YIELD SIGNS.

(A) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

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

(R.C. § 4511.43) Penalty, see § 70.99

§ 72.033 STOP AT SIDEWALK OR TRAIL AREA.

The driver of a vehicle emerging from an alley, building, private road, driveway, or parking area, shall stop the vehicle immediately prior to driving onto a sidewalk or trail or onto the sidewalk or trail area extending across the alley, building entrance, road, driveway, or parking area, or in the event there is no sidewalk or trail area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(R.C. § 4511.431) Penalty, see § 70.99

§ 72.034 RIGHT-OF-WAY ON PUBLIC HIGHWAY.

The operator of a vehicle about to enter or cross a highway 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.

(R.C. § 4511.44) Penalty, see § 70.99

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§ 72.035 FAILURE TO YIELD TO PEDESTRIANS.

No person while operating a motor vehicle, bicycle or riding a horse shall fail to yield to a pedestrian.

(Reg. 17.8) Penalty, see § 70.99

Statutory reference:

Right-of-way of pedestrian on sidewalk, see R.C. § 4511.441

§ 72.036 FAILURE TO YIELD TO EMERGENCY VEHICLES.

No person shall fail to yield to an emergency vehicle engaged in a law enforcement or rescue capacity.

(Reg. 17.6)

Statutory reference:

Right-of-way of public safety vehicles, see R.C. § 4511.45

§ 72.037 ANIMAL COMPLIANCE.

(A) Every person riding, driving, or leading an animal upon a roadway is subject to the provisions of this traffic code, applicable to the driver of a vehicle, except those provisions of this traffic code which by their nature are inapplicable.

(R.C. § 4511.05) Penalty, see § 70.99

§ 72.038 PEDESTRIANS YIELD RIGHT-OF-WAY TO PUBLIC SAFETY VEHICLE.

(A) Upon the immediate approach of a public safety vehicle, as stated in § 72.036 and R.C. § 4511.45, every pedestrian shall yield the right-of-way to the public safety vehicle.

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

(R.C. § 4511.452) Penalty, see § 70.99

§ 72.039 PEDESTRIAN ON CROSSWALK HAS RIGHT-OF-WAY.

(A) When traffic-control signals are not in place, not in operation, or are not clearly assigning the right-of-way, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield or if required by R.C. § 4511.132, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

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

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(C) Division (A) of this section does not apply under the conditions stated in § 72.041(B).

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

(R.C. § 4511.46) Penalty, see § 70.99

§ 72.040 RIGHT-OF-WAY YIELDED TO BLIND PERSON.

(A) As used in this section **BLIND PERSON** or **BLIND PEDESTRIAN** means a person having not more than 20/200 visual acuity in the better eye with correcting lenses, or visual acuity greater than 20/200, but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20°.

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

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

(R.C. § 4511.47) Penalty, see § 70.99

§ 72.041 RIGHT-OF-WAY YIELDED BY PEDESTRIAN.

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

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

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

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

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

(R.C. § 4511.48) Penalty, see § 70.99

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PEDESTRIANS

§ 72.050 PEDESTRIANS.

Pedestrians shall move, whenever practicable, upon the right half of trails or crosswalks. (R.C. § 4511.49) Penalty, see § 70.99

§ 72.051 PROHIBITION AGAINST SOLICITING RIDES; RIDING ON OUTSIDE OF VEHICLE.

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

(B) (1) Except as provided in subsection (2) of this division, no person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(2) The legislative authority, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway as provided in R.C. § 4511.051(A), that is under the jurisdiction of the park district. The permit shall be valid for only one period of time, which shall be specified in the permit, in any calendar year. The legislative authority also may specify the locations where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted that the legislative authority considers advisable.

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

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

(E) No driver of a truck, trailer, or semitrailer shall knowingly permit any person who has not attained the age of 16 years to ride in the unenclosed or unroofed cargo storage area of his vehicles if the vehicle is traveling faster than 25 miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in R.C. § 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;

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(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer, or semitrailer.

(F) No driver of a truck, trailer, or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of his vehicle while the tailgate is unlatched. (R.C. § 4511.51)

(G) *State law penalty.* Whoever violates divisions (A) through (D) of this section shall be subject to the penalty provided in § 70.99. Whoever violates divisions (E) or (F) of this section is guilty of a minor misdemeanor. (R.C. § 4511.99(F))
Penalty, see § 70.99

RECKLESS OPERATION

§ 72.060 UNSAFE OPERATION OF A VEHICLE.

No person shall operate any type of vehicle on any roadway, trail, path, or transportation corridor in an unsafe or reckless manner.

(Reg. 17.7) Penalty, see § 70.99

Statutory reference:

Reckless operation of vehicles, see R.C. § 4511.20

§ 72.061 OPERATOR TO BE IN REASONABLE CONTROL.

(A) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle. (R.C. § 4511.202)

(B) *State law penalty.* Whoever violates any provision of this section is guilty of a operating a motor vehicle without being in control of it, a minor misdemeanor. (R.C. § 4511.99 (I))
Penalty, see § 70.99

ACCIDENTS

§ 72.070 STOPPING AFTER ACCIDENT; EXCHANGE OF IDENTITY AND VEHICLE REGISTRATION.

(A) In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or

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operating such motor vehicle, having knowledge of such accident or collision, shall immediately stop his motor vehicle at the scene of the accident or collision and shall remain at the scene of such accident or collision until he has given his name and address and, if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, to any person injured in the accident or collision, to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or to any police officer at the scene of the accident or collision.

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

(C) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
(R.C. § 4549.02)

(D) *State law penalty.* Except as otherwise provided in this division, whoever violates any provision of this section is guilty of a misdemeanor of the first degree. Whoever violates this section when the accident or collision that is the basis of the violation results in serious physical harm or death to a person is guilty of a felony to be prosecuted under appropriate state law.
(R.C. § 4549.99(B)) Penalty, see § 70.99

§ 72.071 STOPPING AFTER ACCIDENT INVOLVING INJURY TO PERSONS OR PROPERTY.

(A) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or operating such motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give such person his name and address, and, if he is not the owner, the name and address of the owner of the motor vehicle, together with the registered number of the motor vehicle, and, if available, exhibit his driver's or commercial driver's license.

(B) If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall within 24 hours after the accident or collision, forward to the police department of the municipality the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.

(C) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator

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so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
(R.C. § 4549.021)

(D) *State law penalty.* Except as otherwise provided in this division, whoever violates any provision of this section is guilty of a misdemeanor of the first degree. Whoever violates this section when the accident or collision that is the basis of the violation results in serious physical harm or death to a person is guilty of a felony to be prosecuted under appropriate state law.
(R.C. § 4549.99(B)) Penalty, see § 70.99

§ 72.072 STOPPING AFTER ACCIDENT INVOLVING DAMAGE TO REALTY.

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

(B) If the owner or person in charge of such property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to such property shall, within 24 hours after such accident, forward to the police department of the municipality the same information required to be given to the owner or person in control of such property and give the location of the accident and a description of the damage insofar as it is known.
(R.C. § 4549.03)

(C) *State law penalty.* Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4549.99(B)) Penalty, see § 70.99

§ 72.073 FAILURE TO REPORT ACCIDENT.

(A) No person shall fail to report a motor vehicle accident as required under this traffic code. (R.C. § 4509.74)

(B) *State law penalty.* Whoever violates this section shall be fined not more than \$100.
(R.C. § 4509.99(A)) Penalty, see § 70.99

§ 72.074 GIVING FALSE INFORMATION ABOUT ACCIDENT.

(A) No person shall give information relating to a motor vehicle accident required in a report or otherwise required, under this traffic code, knowing or having reason to believe that such information is false, or forged, or, without authority, sign any evidence or proof of financial responsibility, or file

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or offer for filing any such evidence or proof knowing or having reason to believe that it is forged or signed without authority.
(R.C. § 4509.75)

(B) *State law penalty.* Whoever violates any provision of this section shall be fined not more than \$500 or imprisoned not more than six months, or both. (R.C. § 4509.99 (B))
Penalty, see § 70.99

§ 72.075 LEAVING THE SCENE OF THE ACCIDENT RESULTING IN DAMAGE TO PARK PROPERTY OR EQUIPMENT.

No person shall leave a park or fail to contact the park district in the event a motor vehicle accident results in damage to park property or equipment.
(Reg. 17.10) Penalty, see § 70.99

PROHIBITIONS

§ 72.080 OBSTRUCTION AND INTERFERENCE AFFECTING VIEW AND CONTROL OF DRIVER.

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

(B) No passenger in a vehicle shall ride in a position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(C) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
(R.C. § 4511.70) Penalty, see § 70.99

§ 72.081 PURPOSE OF WAY.

(A) *Traffic restricted.* All traffic is restricted to drives, roadways, paths or trails as designed for such travel. (Reg. 17.1)

(B) *Motorized, animal drawn or human propelled vehicles on trails, paths or walks established as hiking trails prohibited.* No person shall operate or cause to operate any type of self-propelled

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vehicle, motorized vehicle, or any vehicle which is moved by animal or human power over or upon any footpath, bridle path or turf area that is not specifically designed for such activities. (Reg. 17.2)
Penalty, see § 70.99

§ 72.082 FOLLOWING AN EMERGENCY OR PUBLIC VEHICLE PROHIBITED.

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park the vehicle within the block where the fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.
(R.C. § 4511.72) Penalty, see § 70.99

§ 72.083 SLOW SPEED.

No person shall operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law.
(R.C. § 4511.22) Penalty, see § 70.99

§ 72.084 TRANSPORTING CHILD NOT IN CHILD RESTRAINT SYSTEM PROHIBITED.

(A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in § 70.01 and R.C. § 4511.01, that is registered in this state, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than 40 pounds.

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

- (1) A child who is less than four years of age;
- (2) A child who weighs less than 40 pounds.

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

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

(E) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(F) If a person who is not a resident of this state is charged with a violation of division (A) or (B) above and does not prove to the court, by a preponderance of the evidence, that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident, the court shall impose the fine levied by division (H) below.

(G) There is hereby created in the state treasury the Child Highway Safety Fund, consisting of those portions of every fine imposed pursuant to division (H) of this section for violations of divisions (A) and (B) of this section, that are required to be forwarded to the Treasurer of the State for deposit in the fund. The money in the fund shall be used by the Department of Health only for the purpose of establishing and administering a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems generally and the importance of their proper use. The program also shall include a process for providing child restraint systems to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use. The Director of Health, in accordance with R.C. Chapter 119, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system under the department's child restraint system program.

(R.C. § 4511.81)

(H) *State law penalty.*

(1) Whoever is a resident of this state and violates division (A) or (B) of this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree.

(2) Whoever is not a resident of this state, violates division (A) or (B) of this section, and fails to prove by a preponderance of the evidence that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree.

(3) Sixty-five percent of every fine imposed pursuant to this division shall be forwarded to the Treasurer of State for deposit in the Child Highway Safety Fund created by division (G) of this section. The balance of the fine shall be disbursed as otherwise provided by law.

(R.C. § 4511.99(H)) Penalty, see § 70.99

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§ 72.085 OCCUPANT RESTRAINING DEVICES.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) ***AUTOMOBILE.*** Any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation pursuant to the National Traffic and Motor Vehicle Safety Act of 1966.

(2) ***COMMERCIAL TRACTOR, PASSENGER CAR,*** and ***COMMERCIAL CAR*** have the same meanings as in R.C. § 4501.01.

(3) ***OCCUPANT RESTRAINING DEVICE.*** A seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States Department of Transportation.

(4) ***PASSENGER.*** Any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(5) ***VEHICLE*** and ***MOTOR VEHICLE.*** As used in the definitions of the terms set forth in division (A)(2) above, ***VEHICLE*** and ***MOTOR VEHICLE*** have the same meanings as in R.C. § 4501.01.

(B) *Prohibited acts.* No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device.

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(C) *Exceptions.* Division (B)(3) of this section does not apply to a person who is required by § 72.084 to be secured in a child restraint device. Division (B)(1) of this section does not apply to a

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person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under R.C. Chapter 4731 or a chiropractor licensed to practice in this state under R.C. Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(D) *Officers not permitted to stop cars to determine violation.* Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) *Use of fines for educational program.* All fines collected for violations of division (B) of this section, or for violations of any municipal ordinance that is substantively comparable to that division shall be forwarded to the Treasurer of State for deposit in the seat belt education fund and emergency medical services fund as set forth in R.C. § 4513.263(E).

(F) *Limitations on evidence used for prosecution.* The failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of division (B)(1) or (B)(3) of this section or the failure of a person to ensure that each minor who is a passenger of an automobile being properly operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device in violation of divisions (B)(2) of this section shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section, and shall not be admissible as evidence in any criminal action involving the person other than a prosecution for a violation of this section.

(R.C. § 4513.263)

(F) *State law penalty.*

(1) Whoever violates division (B)(1) shall be fined \$25.

(2) Whoever violates division (B)(3) shall be fined \$15.

(3) Whoever violates division (B)(4) is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense the person is guilty of a misdemeanor of the third degree.

(R.C. § 4513.99(B), (F), (G)) Penalty, see § 70.99

Cross-reference:

Child restraint systems, see § 72.084

Statutory reference:

Evidentiary use of failure to use occupant restraining devices in tort actions, see R.C. § 4513.263(F)

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§ 72.086 DRAG RACING DEFINED; PROHIBITED.

(A) **DRAG RACING** is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by R.C. § 4511.21 (B)(1)(a) through (7), or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speeds shall be prima facie evidence of drag racing.

(B) No person shall participate in a drag race as defined in division (A) above upon any public road, street, or highway.
(R.C. § 4511.251)

(C) *State law penalty.* Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4511.99(B)) Penalty, see § 70.99

§ 72.087 PROHIBITION AGAINST DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone.
(R.C. § 4511.60) Penalty, see § 70.99

§ 72.088 SNOWMOBILE PROHIBITION.

No person shall operate a self-propelled vehicle that is designed to travel over snow or ice-covered surfaces within the parks other than in areas designated by the Director as “snowmobile” areas.
(Reg.18.1) Penalty, see § 70.99

§ 72.089 SPEED LIMIT.

No person shall drive or propel or cause to be driven or propelled along or over any road or drive within the parks any vehicle at a greater rate of speed than 15 miles per hour or at a greater speed than will permit him to bring to a stop within the assured clear distance, nor shall any person operate a vehicle at a greater speed as posted on roads adjacent to a park.
(Reg. 17.3) Penalty, see § 70.99

Statutory reference:

Speed limits, see R.C. § 4511.21

Traffic Rules

§ 72.090 OPERATING MOTOR VEHICLES WHILE WEARING EARPHONES OR EARPLUGS.

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

(B) This section does not apply to:

- (1) Any person wearing a hearing aid;
 - (2) Law enforcement personnel while on duty;
 - (3) Fire department personnel and emergency medical service personnel while on duty;
 - (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;
 - (5) Any person engaged in the operation of refuse collection equipment.
- (R.C. § 4511.84) Penalty, see § 70.99

§ 72.091 GO-KARTS, ALL-TERRAIN VEHICLES AND OTHER NONREGISTERED MOTOR VEHICLES.

No person shall operate within the parks any go-kart, all-terrain vehicles, motorized bike, swamp buggy, motor vehicle normally considered a race car, or any other type of motor vehicle which is not customarily registered with the Department of Motor Vehicles of the State of Ohio.

(Reg. 16.1) Penalty, see § 70.99

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CHAPTER 73: PARKING REGULATIONS

Section

- 73.01 Condition when motor vehicle left unattended
- 73.02 Parking areas
- 73.03 No parking in closed areas; removal of vehicles
- 73.04 Removal of illegally parked vehicle
- 73.05 Officer may remove ignition key

§ 73.01 CONDITION WHEN MOTOR VEHICLE LEFT UNATTENDED.

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

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

(R.C. § 4511.661) Penalty, see § 70.99

§ 73.02 PARKING AREAS.

No person shall park or store any motor car, motor vehicle, bicycle, wagon, trailer or other vehicle within any traveled roadway in the parks or upon any sod, gravel or other surface not specifically designated for parking. Parking shall be permitted in designated areas only. Park maintenance, emergency and law enforcement vehicles are exempted from this rule.

(Reg. 17.4) Penalty, see § 70.99

§ 73.03 NO PARKING IN CLOSED AREAS; REMOVAL OF VEHICLE.

(A) No motor car, motor vehicle, motorcycle, motorized bicycle, or bicycle shall be parked or stored on any area of the park closed to vehicular access or after park closing as set forth in § 52.10.

(B) Any vehicle left within the confines of a park between the hours of closing and opening shall be subject to removal at the owner's expense. (Reg. 10.3)

Penalty, see § 70.99

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§ 73.04 REMOVAL OF ILLEGALLY PARKED VEHICLE.

(A) Whenever any police officer finds a vehicle standing upon a highway in violation of R.C. § 4511.66, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

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

(R.C. § 4511.67)

§ 73.05 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway. The officer removing said key shall place notification upon the vehicle detailing his name and badge number, the place where said key may be reclaimed, and the procedure for reclaiming said key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership.

(R.C. § 4549.05)

CHAPTER 74: EQUIPMENT AND LOADS

Section

Equipment

- 74.01 Operating a motor vehicle with unsafe or hazardous equipment, lights or loads
- 74.02 Bumpers on motor vehicles; suspension systems
- 74.03 Lighted lights required
- 74.04 Headlights
- 74.05 Taillights and illumination of rear license plate
- 74.06 Stoplight regulations
- 74.07 Red light or flag required
- 74.08 Lights on parked vehicles
- 74.09 Spotlight and auxiliary driving lights
- 74.10 Two lights displayed
- 74.11 Headlights required
- 74.12 Horns, sirens, and warning devices
- 74.13 Mufflers; excessive smoke or gas
- 74.14 Rearview mirrors
- 74.15 Windshields and wipers
- 74.16 Tinted glass; other vision obscuring material

Loads

- 74.40 Limitation of load extension on left side of vehicle
- 74.41 All loads shall be properly secured

- 74.99 Penalty

EQUIPMENT

§ 74.01 OPERATING A MOTOR VEHICLE WITH UNSAFE OR HAZARDOUS EQUIPMENT, LIGHTS OR LOADS.

No person shall operate a motor vehicle that fails to meet the standards of R.C. Chapter 4513 in

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the parks.

(Reg. 17.9) Penalty, see § 74.99

Statutory reference:

Prohibition against operating unsafe vehicles, see R.C. § 4513.02

§ 74.02 BUMPERS ON MOTOR VEHICLES; SUSPENSION SYSTEMS.

(A) As used in this section:

(1) **GROSS VEHICLE WEIGHT RATING** means the manufacturer's gross vehicle weight rating established for that vehicle.

(2) **MANUFACTURER** has the same meaning as in R.C. § 4501.01.

(3) **MULTIPURPOSE PASSENGER VEHICLE** means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(4) **PASSENGER CAR** means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(5) **TRUCK** means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.

(B) The Director of Public Safety, in accordance with R.C. Chapter 119, shall adopt rules in conformance with standards of the vehicle equipment safety commission, that shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper height have been lowered or modified, the maximum height to the bottom of the frame rail, of any passenger car, multipurpose passenger vehicle, or truck.

(C) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this state that does not conform to the requirements of this section or any applicable rule adopted pursuant to R.C. § 4513.021.

(D) No person shall modify any motor vehicle registered in this state in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system.

(E) Nothing contained in this section or in the rules adopted pursuant to R.C. § 4513.021 shall be construed to prohibit either of the following:

(1) The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this state of heavy duty equipment, including shock absorbers and overload springs:

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(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this state with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(F) This section and the rules adopted pursuant to R.C. § 4513.021 do not apply to any specially designed or modified passenger car, multipurpose passenger vehicle, or truck when operated off a street or highway in races and similar events.
(R.C. § 4513.021)

(G) *State law penalty.* Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree. (R.C. § 4513.99(B))
Penalty, see § 74.99

§ 74.03 LIGHTED LIGHTS REQUIRED.

(A) Every vehicle upon a street or highway within this state during the time from ½ hour after sunset to ½ hour before sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the highway at a distance of 1,000 feet ahead, shall display lighted lights and illuminating devices as required by the provisions of this chapter, for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Director of Public Safety. No motor vehicle, during such times, shall be operated upon a street or highway within this state using only parking lights as illumination.

(B) Whenever in this chapter a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, this distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

(C) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.
(R.C. § 4513.03) Penalty, see § 74.99

§ 74.04 HEADLIGHTS.

(A) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

(B) Every motorcycle shall be equipped with at least one and not more than two headlights.
(R.C. § 4513.04) Penalty, see § 74.99

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§ 74.05 TAILLIGHTS AND ILLUMINATION OF REAR LICENSE PLATE.

(A) Every motor vehicle, trailer, semitrailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one taillight mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the taillight on the rearmost vehicle need be visible from the distance specified.

(B) Either a taillight or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of 50 feet to the rear. Any taillight, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(R.C. § 4513.05) Penalty, see § 74.99

§ 74.06 STOPLIGHT REGULATIONS.

(A) All motor vehicles when operated upon a highway shall be equipped with at least one stoplight mounted on the rear of the vehicle which shall be actuated upon application of the service brake, and which may be incorporated with other rear lights. Such stoplights when actuated shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the stoplights on the rearmost vehicle need be visible from the distance specified.

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

(C) When stoplights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established by the Director of Public Safety.

(R.C. § 4513.071) Penalty, see § 74.99

§ 74.07 RED LIGHT OR FLAG REQUIRED.

Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of this vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in § 74.03, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 16 inches square.

(R.C. § 4513.09) Penalty, see § 74.99

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§ 74.08 LIGHTS ON PARKED VEHICLES.

Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto, whether attended or unattended, during the times mentioned in § 74.03, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within a municipal corporation where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(R.C. § 4513.10) Penalty, see § 74.99

§ 74.09 SPOTLIGHT AND AUXILIARY DRIVING LIGHTS.

(A) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(B) Any motor vehicle may be equipped with not more than three auxiliary driving lights mounted on the front of the vehicle. The Director of Public Safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to these specifications and regulations shall not be used.

(R.C. § 4513.12) Penalty, see § 74.99

§ 74.10 TWO LIGHTS DISPLAYED.

(A) At all times mentioned in § 74.03 at least two lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) The Director of Public Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.

(R.C. § 4513.14) Penalty, see § 74.99

§ 74.11 HEADLIGHTS REQUIRED.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in § 74.03, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles, and substantial objects at a safe distance in advance of the vehicle, subject to the following requirements:

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(A) Whenever the driver of a vehicle approaches an oncoming vehicle, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(B) Every new motor vehicle registered in this state, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. This indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.

(R.C. § 4513.15) Penalty, see § 74.99

§ 74.12 HORNS, SIRENS, AND WARNING DEVICES.

(A) Every motor vehicle when operated upon a highway shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(B) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency vehicle shall be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.
(R.C. § 4513.21) Penalty, see § 74.99

§ 74.13 MUFFLERS; EXCESSIVE SMOKE OR GAS.

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

(B) No person shall own, operate, or have in his possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.
(R.C. § 4513.22) Penalty, see § 74.99

Equipment and Loads

§ 74.14 REARVIEW MIRRORS.

Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles and motorcycles and shall have a clear view to the rear of their vehicles and motorcycles by mirror. (R.C. § 4513.23) Penalty, see § 74.99

§ 74.15 WINDSHIELDS AND WIPERS.

(A) No person shall drive any motor vehicle on a street or highway in this park district, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(B) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(C) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle. (R.C. § 4513.24) Penalty, see § 74.99

§ 74.16 TINTED GLASS; OTHER VISION OBSCURING MATERIAL.

(A) The Director of Public Safety, in accordance with R.C. Chapter 119, shall adopt rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(B) The rules adopted under this section may provide for persons who meet either of the following qualifications:

- (1) On the effective date of this section or of any rule adopted under this section, own a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section;
- (2) Establish residency in this state and are required to register a motor vehicle that does not conform to requirements of this section or of any rule adopted under this section.

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(C) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements of this section and of any applicable rule adopted under this section.

(D) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of this section or of any rule adopted under this section.

(E) No used motor vehicle dealer or new motor vehicle dealer, as defined in R.C. § 4517.01 shall sell any motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.

(F) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(G) This section does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by federal motor vehicle safety standard number two hundred five.

(H) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a handicapped child pursuant to a special education program under R.C. Chapter 3323, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this subdivision, **HANDICAPPED CHILD** and **SPECIAL EDUCATION** have the same meaning as in R.C. § 3323.01.

(I) This section does not apply to any school bus that is to be sold and operated outside the state. (R.C. § 4513.241)

(J) *State law penalty.* Whoever violates divisions (C) through (F) of this section is guilty of a minor misdemeanor. (R.C. § 4513.99 (A))
Penalty, see § 74.99

LOADS

§ 74.40 LIMITATION OF LOAD EXTENSION ON LEFT SIDE OF VEHICLES.

No passenger-type vehicle shall be operated on a highway with any load carried on the vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (R.C. § 4513.30) Penalty, see § 74.99

Equipment and Loads

§ 74.41 ALL LOADS SHALL BE PROPERLY SECURED.

(A) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand or other substance may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(B) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway.

(R.C. § 4513.31) Penalty, see § 74.99

§ 74.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty otherwise is provided shall be punished as provided in § 10.99.

(B) *State law penalty.* Whoever violates any provision of this chapter for which violation no state law penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree. (R.C. § 4513.99 (C))

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CHAPTER 75: BICYCLES AND MOTORCYCLES

Section

- 75.01 Bicycles
- 75.02 Operation of motorized bicycle
- 75.03 Rules for bicycles, motorcycles, and snowmobiles
- 75.04 Prohibition against attaching bicycles and sleds to vehicles
- 75.05 Riding bicycles; motorcycles abreast
- 75.06 Signal devices on bicycle

§ 75.01 BICYCLES.

The provisions of this title which are applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles.
(R.C. § 4511.52) Penalty, see § 70.99

§ 75.02 OPERATION OF MOTORIZED BICYCLE.

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

(1) The person is 14 or 15 years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is 16 years of age or older and holds either a valid commercial driver's license issued under R.C. Chapter 4506 or a driver's license issued under R.C. Chapter 4507 or a valid motorized bicycle license issued after the person has passed the test provided for in this section, except that if a person is 16 years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, he is not required to comply with the testing requirements provided for in this section;

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (B) of this section and is in proper working order.

(3) The person, if he is under 18 years of age, is wearing a protective helmet on his head with the chin strap properly fastened and the motorized bicycle is equipped with a rear-view mirror.

(4) The person operates the motorized bicycle when practicable within 3 feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

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(B) The Director of Public Safety, subject to R.C. §§ 119.01 through 119.13, shall adopt and promulgate rules concerning protective helmets, the equipment of motorized bicycles, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. The test shall be as near as practicable to the examination required for a motorcycle operator's endorsement under R.C. § 4507.11. The test shall also require the operator to give an actual demonstration of his ability to operate and control a motorized bicycle by driving one under the supervision of an examining officer.

(C) Every motorized bicycle license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four years.

(D) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(E) The protective helmet and rear-view mirror required by division (A)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Director under division (B) of this section.

(F) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.
(R.C. § 4511.521)

(G) *State law penalty.* Whoever violates division (A), (D), or (E) of this section is guilty of a minor misdemeanor. (R.C. § 4511.99(F))
Penalty, see § 70.99

Statutory reference:

Revocation of license by state, see R.C. § 4507.16

§ 75.03 RULES FOR BICYCLES, MOTORCYCLES, AND SNOWMOBILES.

(A) For purposes of this section, *SNOWMOBILE* has the same meaning as given that term in R.C. § 4519.01.

(B) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

(C) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

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

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(E) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handlebars or grips are more than 15 inches higher than the seat or saddle for the operator.

(F) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of 18 years, or who holds a motorcycle operator's endorsement or license bearing a "NOVICE" designation that is currently in effect as provided in R.C. § 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(R.C. § 4511.53) Penalty, see § 70.99

§ 75.04 PROHIBITION AGAINST ATTACHING BICYCLES AND SLEDS TO VEHICLES.

(A) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(B) No operator shall knowingly permit any person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle to attach the same or himself to any vehicle while it is moving upon a roadway.

(C) This section does not apply to the towing of a disabled vehicle.

(R.C. § 4511.54) Penalty, see § 70.99

§ 75.05 RIDING BICYCLES; MOTORCYCLES ABREAST.

(A) Every person operating a bicycle upon a roadway or trail shall ride as near to the right side of the roadway as practicable obeying all traffic rules posted or applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

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

(R.C. § 4511.55) Penalty, see § 70.99

§ 75.06 SIGNAL DEVICES ON BICYCLE.

(A) Every bicycle when in use at the times specified in § 74.03, shall be equipped with the following:

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(1) A lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front;

(2) A red reflector on the rear of a type approved by the Director of Public Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3) A lamp emitting a red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector;

(4) An essentially colorless reflector on the front of a type approved by the Director;

(5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the Director.

(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(C) Every bicycle shall be equipped with an adequate brake when used on a street or highway.
(R.C. § 4511.56) Penalty, see § 70.99

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. ALCOHOLIC BEVERAGES

92. FIREARMS, FIREWORKS, FIRE PREVENTION

Greene County Park District - General Regulations

CHAPTER 90: ANIMALS

Section

- 90.01 Hunting, trapping or molesting wildlife
- 90.02 Dogs, cats, household pets and livestock
- 90.03 Releasing wild or exotic animals without permission
- 90.04 Pets in play areas
- 90.05 Jacklighting prohibited
- 90.06 Fishing license required
- 90.07 Fishing
- 90.08 Frog gigging

Cross-reference:

Animal compliance with traffic regulations, see § 72.037

§ 90.01 HUNTING, TRAPPING OR MOLESTING WILDLIFE.

(A) *Within park confines.* No person within the confines of the parks shall hunt, pursue with dogs, trap, or in any other way molest any wild birds or animals found within, or adjacent to, the confines of the parks or molest any bird nest or take the eggs, or fledglings, of any birds. Subjects with special permits for designated areas are subject to the laws of the State of Ohio. (Reg. 11.1)

(B) *Adjacent lands.* No person shall discharge any firearm, arrow or projectile toward park land so as to alarm or injure wildlife or persons in the parks. No person shall chase or drive wildlife from the confines of the park for any purpose. No person shall set or place any trap along the park property which will entrap wildlife entering or leaving the park. (Reg. 11.5)

Penalty, see § 10.99

§ 90.02 DOGS, CATS, HOUSEHOLD PETS AND LIVESTOCK.

(A) *Household pets/livestock.* No person shall have or keep in a park any dog, cat, household pet or other animal destructive to birds and other wildlife or property. Dogs, cats and other livestock are permitted if they are controlled at all times, with dogs and cats on leashes not more than eight feet long. Livestock are permitted in designated areas only. Field training and exercise of dogs is permitted in designated areas and in consideration of other users. It is the responsibility of the owner to remove any stool left by their pet. (Reg. 12.1)

(B) *Abandoning domestic animals or livestock within the confines of a park.* No person shall leave behind, or otherwise abandon any domestic or livestock animals within or adjacent to any park. (Reg. 12.2)

Penalty, see § 10.99

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§ 90.03 RELEASING WILD OR EXOTIC ANIMALS WITHOUT PERMISSION.

No person shall release any wild or exotic animal within the confines of a park without a specific written permit from the Director or his designated agent.

(Reg. 12.3) Penalty, see § 10.99

§ 90.04 PETS IN PLAY AREAS.

Pets are not permitted in play equipment areas in the park.

Penalty, see § 10.99

§ 90.05 JACKLIGHTING PROHIBITED.

(A) No person shall throw or cast the rays of a spotlight or other artificial light from any vehicle into any field, woodland, or forest while having in his possession a hunting device, or throw or cast the rays of a spotlight or other artificial light from any vehicle into any field, woodland, or forest for the purpose of locating a wild animal.

(B) This section does not apply to law enforcement officers, wildlife officers, military personnel, and officers or employees of the department of natural resources while in the performance of their duties, or to any landowner or lessee having a reason to use a light while engaged in surveillance or protection of his property.

(C) An officer whose duty it is to enforce this chapter may arrest a person whom he has reasonable grounds to believe is violating this section, search the vehicle for firearms or other hunting implements in the possession or under the control of that person, and seize the same.

(R.C. § 1533.161)

(D) *State law penalty.* Whoever violates division (A) of this section is guilty of a misdemeanor of the third degree. (R.C. § 1533.99 (B))

Penalty, see § 10.99

§ 90.06 FISHING LICENSE REQUIRED.

(A) Except as provided in this section or division (A) or (C) of R.C. § 1533.12, no person, including nonresidents, shall take or catch any fish by angling in any of the waters in the state, or engage in fishing in those waters without a license. No person shall take or catch frogs or turtles without a valid fishing license, except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing through an agreement or lease with the division of wildlife shall comply with the license requirements set forth in this section.

Animals

(B) The fee for an annual license shall be \$23 for a resident of a state that is not a party to an agreement under R.C. § 1533.91. The fee for an annual license shall be \$14 for a resident of a state that is a party to such an agreement. The for an annual license fee for residents of this state shall be \$14, unless the rules adopted under division (B) of R.C. 1533.12 provide for issuance of a resident fishing license to the applicant free of charge.

(C) Any person under the age of 16 years may take or catch frogs and turtles and take or catch fish by angling without a license. Any resident of this state 66 years of age or older may take or catch frogs and turtles without a license.

(D) The chief of the division of wildlife may issue a tourist's license expiring three days from effective date of the license to a resident of a state that is not a party to an agreement under R.C. § 1533.91. The fee for which shall be \$14.

(E) The chief shall adopt rules under R.C. § 1531.10 providing for the issuance of a one-day fishing license to a resident of this state or any other state. The fee for such a license shall be 40% of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar. A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under R.C. § 1533.13, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license. A fee of \$1 for each license issued under this section shall be paid to the issuing clerk or agent in accordance with R.C. § 1533.13. Unless otherwise provided by division rule, each license shall begin on March 1 of the current year and expire on the last day of February of the following year.

(F) No person shall alter a fishing license or possess a fishing license that has been altered.

(G) No person shall procure or attempt to procure a fishing license by fraud, deceit, misrepresentation, or by any false statement.

(H) Owners of land over, through, upon, or along which any water flows or stands, except where such land is in or borders on state parks or state-owned lakes, together with the members of the immediate families of such owners, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. This exemption extends to tenants actually residing upon such lands and to the members of the immediate families of the tenants. Residents of state or county institutions, charitable institutions, and military homes in this state may take frogs and turtles without procuring the required license, provided that a member of the institution has an identification card, which shall be carried on that person when fishing.

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(F) Every fisher required to be licensed shall, while fishing, or taking or attempting to take frogs or turtles shall carry the license and exhibit it to any person. Failure to so carry and exhibit the license constitutes an offense under this section.

(R.C. § 1533.32)

(G) *State law penalty.* Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. (R.C § 1533.99 (F))

Penalty, see § 10.99

§ 90.07 FISHING.

Fishing shall be permitted subject to the laws of the State of Ohio in park waters. The Director or his designated agent may close park waters to fishing or require a special permit, and shall so post them. In all park waters the use of hooks left unattended, traps, spears, gigs or bows and arrows for fishing are prohibited. Fishing shall not be permitted during the hours in which the park is closed.

(Reg. 11.3) Penalty, see § 10.99

§ 90.08 FROG GIGGING.

No person within the confines of a park shall engage in frog gigging.

(Reg. 11.2) Penalty, see § 10.99

CHAPTER 91: ALCOHOLIC BEVERAGES

Section

- 91.01 Definitions
- 91.02 Use or possession of intoxicants
- 91.03 Furnishing alcohol to minors

Cross-reference:

Public intoxication, see § 52.12

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following words and phrases have the following meanings ascribed to them respectively:

ALCOHOL. Ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. The term excludes denatured alcohol and wood alcohol.

AT RETAIL. For use or consumption by the purchaser and not for resale.

BEER, MALT LIQUOR, or MALT BEVERAGES. All brewed or fermented malt products containing $\frac{1}{2}$ of 1% or more of alcohol by volume but not more than 6% of alcohol by volume weight.

INTOXICATING LIQUOR and LIQUOR. All liquids and compounds, other than beer as defined in this section, containing $\frac{1}{2}$ of 1% or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether the same are medicated, proprietary, or patented. The phrase includes wine, as defined in this section even if it contains less than 4% of alcohol by volume, mixed beverages, as defined in this section even if they contain less than 4% of alcohol by volume, alcohol, and all solids and confections which contain any alcohol.

LOW-ALCOHOL BEVERAGE. Either of the following:

- (1) Any brewed or fermented malt product or any product made from the fermented juices of grapes, fruits, or other agricultural products that contains either no alcohol or less than $\frac{1}{2}$ of 1% of alcohol by volume;

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(2) Any beverage that is not a brewed or fermented malt product, or that is not a product made from the fermented juices of grapes, fruits or other agricultural products, but that is advertised or identified as if it were such by its manufacturer, wholesale distributor, or retailer. The beverages described in this subdivision do not include a soft drink such as root beer, birch beer, or ginger beer.

MANUFACTURE. All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.

MANUFACTURER. Any person engaged in the business of manufacturing beer or intoxicating liquor.

MIXED BEVERAGES. Bottled and prepared cordials, cocktails, and highballs, produced by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than ½ of one percent of alcohol by volume and not more than 21% of alcohol by volume.

SEALED CONTAINER. Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.

SPIRITUOUS LIQUOR. All intoxicating liquors containing more than 21% of alcohol by volume.

VEHICLE. All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

WINE. All liquids fit to use for beverage purposes containing not less than ½ of 1% of alcohol by volume and not more than 21% of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products.

(R.C. § 4301.01)

§ 91.02 USE AND POSSESSION OF INTOXICANTS.

(A) *Use of intoxicants and games of chance.* No person shall play at games of chance, drink, sell, possess, or offer for sale any intoxicating liquor or alcoholic beverage, or be under the influence of any intoxicating liquor or alcoholic beverages within the parks (except by use permit only). (Reg. 5.4)

(B) *Possession of intoxicants.* No person shall possess any intoxicating liquor or alcoholic beverage within the parks (except by use permit only). (Reg. 5.4a)

Penalty, see § 10.99

Cross-reference:

Gambling, see Ch. 54

Statutory reference:

Open containers prohibited, see R.C. § 4301.62

Alcoholic Beverages

§ 91.03 FURNISHING ALCOHOL TO MINORS.

(A) Except as otherwise provided in this chapter or in R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is accompanied by a parent, spouse, or legal guardian. In proceedings before the liquor control commission, no permit holder, or the employee or agent of a permit holder, charged with a violation of this division shall be charged, for the same offense, with a violation of R.C. § 4301.22 (A)(1).

(B) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the public place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor. An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

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

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and who is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person.

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and has the drug of abuse in the original container in which it was dispensed to the person.

(D) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin, or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not accompanied by a parent, spouse, who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin, or campground by presenting identification that falsely indicates that the underage person is 21 years of age or older for the purpose of violating this section.

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

(F) No parent, spouse, who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or R.C. §§ 4301.63, 4301.632, 4301.633, or 4301.634.

(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground.

(H) As used in this section:

DRUG OF ABUSE has the same meaning as in R.C. § 3719.011.

HOTEL has the same meaning as in R.C. § 3731.01.

LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS and ***PRESCRIPTION*** have the same meanings as in R.C. § 4729.01.

MINOR means a person under the age of 18 years.

UNDERAGE PERSON means a person under the age of 21 years.
(R.C. § 4301.69)

(I) *State law penalty.*

(1) Whoever violates division (A) of this section is guilty of a misdemeanor, shall be fined not less than \$500 and not more than \$1000, and, in addition to the fine, may be imprisoned for a definite term of not more than six months. (R.C. § 4301.99(I))

(2) Whoever violates any other provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4301.99 (C))
Penalty, see § 10.99

CHAPTER 92: FIREARMS, FIREWORKS, FIRE PREVENTION

Section

Firearms

- 92.01 Definitions
- 92.02 Carrying dangerous weapons
- 92.03 Using weapons while intoxicated
- 92.04 Improper transport of a dangerous weapon in a motor vehicle
- 92.05 Improperly furnishing firearms to a minor
- 92.06 Discharging firearms
- 92.07 Possession in park prohibited
- 92.08 Archery equipment

Fireworks

- 92.10 Restrictions
- 92.11 Written consent required for possession in park
- 92.12 Tear gas devices, stink bombs, smoke generators

Fire Prevention

- 92.20 Fires

FIREARMS

§ 92.01 DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

AUTOMATIC FIREARM. Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. ***AUTOMATIC FIREARM*** also means any semi-automatic firearm designed or specially adapted to fire more than 31 cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

BALLISTIC KNIFE. A knife with a detachable blade that is propelled by a spring-operated mechanism.

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DANGEROUS ORDNANCE. Any of the following, except as otherwise provided in this section:

- (1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;
- (2) Any explosive device or incendiary device;
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pectretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;
- (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon; therefor.
- (5) Any firearm muffler or silencer;
- (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

DANGEROUS ORDNANCE. Does not include any of the following:

- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;
- (2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;
- (3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
- (4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (3) above during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
- (5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece;

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(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 USC 921 (A)(4), as amended, and regulations issued under that act.

DEADLY WEAPON. Any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

EXPLOSIVE DEVICE. Any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. **EXPLOSIVE DEVICE** includes without limitation any bomb, any explosive demolition device, any blasting cap, or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

FIREARM.

(1) Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. **FIREARM** includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

HANDGUN. Any firearm designed to be fired while being held in one hand.

INCENDIARY DEVICE. Any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

SAWED-OFF FIREARM. A shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall.

SEMI-AUTOMATIC FIREARM. Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire with a single trigger function.

ZIP-GUN. Any of the following:

- (1) Any firearm of crude and extemporized manufacture;
- (2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;

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(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.
(R. C. § 2923.11)

§ 92.02 CARRYING DANGEROUS WEAPONS.

No person except law enforcement officers shall have or carry any knives, dagger, or other edged weapons, metal knuckles, slingshot, blow gun, or other dangerous weapons on or about his person while in the parks.

(Reg. 3.6) Penalty, see § 10.99

Statutory reference:

Carrying concealed weapons, see R.C. § 2923.12

§ 92.03 USING WEAPONS WHILE INTOXICATED.

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(B) *State law penalty.* Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

(R.C. § 2923.15) Penalty, see § 10.99

Cross-reference:

Use and possession of intoxicants, see § 91.02

§ 92.04 IMPROPER TRANSPORT OF A DANGEROUS WEAPON IN A MOTOR VEHICLE.

No person shall transport or have in a motor vehicle a firearm of any description, or any other dangerous weapon accessible to the operator or any passenger without leaving the motor vehicle.

(Reg. 3.7) Penalty, see § 10.99

Statutory reference:

Improperly handling firearms in a motor vehicle, see R.C. § 2923.16

§ 92.05 IMPROPERLY FURNISHING FIREARMS TO A MINOR.

No person shall:

(A) Sell any firearm to a person under age 18;

(B) Sell any handgun to a person under age 21;

(C) Furnish any firearm to a person under age 18, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

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(D) *State law penalty.* Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.
(R.C. § 2923.21) Penalty, see § 10.99

§ 92.06 DISCHARGING FIREARMS.

(A) No person shall discharge a firearm on a lawn, park, pleasure ground, orchard, or other ground appurtenant to a schoolhouse, church, or an inhabited dwelling, the property of another, or a charitable institution. This section does not prevent or prohibit the owner thereof from discharging firearms upon his own enclosure.
(R.C. § 3773.21)

(B) *State law penalty.* Whoever violates this section is guilty of a misdemeanor of the fourth degree. (R.C. § 3773.99 (A))
Penalty, see § 10.99

§ 92.07 POSSESSION IN PARK PROHIBITED.

No persons, except law enforcement officers, shall carry, discharge or possess any firearms of any description, air or gas gun, or any other missile or projectile throwing device or the ammunition thereof within the park without the express written consent of the Director.
(Reg. 3.1) Penalty, see § 10.99

§ 92.08 ARCHERY EQUIPMENT.

No person shall release an arrow or have in their possession an arrow, a bow, a crossbow, or longbow within the parks other than in areas so designated for that purpose by the Director.
(Reg. 3.2) Penalty, see § 10.99

FIREWORKS

§ 92.10 RESTRICTIONS.

(A) No person shall possess fireworks in this park district or county owned property, or shall possess for sale or sell fireworks in this park district or county owned property, except a licensed manufacturer of fireworks as authorized by R.C. §§ 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by R.C. §§ 3743.15 through 3743.21, a shipping permit holder as authorized by R.C. § 3743.40, an out-of-state resident as authorized by R.C. § 3743.44, a resident of this state as authorized by R.C. § 3743.45, or a licensed exhibitor of fireworks as authorized by R.C. §§ 3743.50 through 3743.55, and except as provided in R.C. § 3743.80.

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(B) Except as provided in R.C. § 3743.80, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to R.C. §§ 3743.50 through 3743.55, no person shall discharge, ignite, or explode any fireworks in this state.

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

(D) No person shall sell fireworks of any kind to a person under 18 years of age.

(E) No person shall advertise 1.4G fireworks for sale. A sign located on a seller's premises identifying him as a seller of fireworks is not the advertising of fireworks for sale.

(F) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3G fireworks in this state.
(R.C. § 3743.65(A) - (F))

(H) *State law penalty.* Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 3743.99(C)) Penalty, see § 10.99

Statutory reference:

Felony offense for disabling a fire suppression system, see R.C. § 3743.65(G)

§ 92.11 WRITTEN CONSENT REQUIRED FOR POSSESSION IN PARK.

No person shall possess, use, or discharge any type of firework or explosives within the parks without the expressed written consent of the Director.

(Reg. 3.3) Penalty, see § 10.99

§ 92.12 TEAR GAS DEVICES, STINK BOMBS, SMOKE GENERATOR.

No person with purpose to interfere with the use or enjoyment of a park, shall employ or cause to discharge any tear gas device, stink bomb, smoke generator or other devices releasing a substance which is harmful or offensive to persons, plants or wildlife, or which tends to cause public alarm.

(Reg. 3.5) Penalty, see § 10.99

Firearms, Fireworks, Fire Prevention

FIRE PREVENTION

§ 92.20 FIRES.

No person shall start a fire in the parks except for small fires for cooking purposes in park grills, or privately owned grills, or fires in designated places or areas. The Director may, at his discretion, prohibit fires for limited periods at any location.

(Reg. 9.1) Penalty, see § 10.99

Cross-reference:

Burning material, see § 51.15

TITLE XI: BUSINESS REGULATIONS

Chapter

110.GENERAL PROVISIONS

Greene County Park District - Business Regulations

CHAPTER 110: GENERAL PROVISIONS

Section

110.01 Solicit unlawful sales

§ 110.01 SOLICIT UNLAWFUL SALES.

No person shall beg, hawk, peddle, or solicit within the parks.
(Reg. 5.2) Penalty, see § 10.99

PARALLEL REFERENCES

**References to Revised Code of Ohio
References to Park Regulations**

REFERENCES TO REVISED CODE OF OHIO

<i>R.C. Section</i>	<i>Code Section</i>
1.02(A)	10.05
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4301.69	91.03
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