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THE  
**CODE OF ORDINANCES**  
OF THE  
**VILLAGE OF UNIONVILLE CENTER**

Adopted October 13, 1969

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**HAROLD WALK**  
Mayor

**RONALD W. HILBERT**  
Clerk-Treasurer

**MANUEL R. DAUM**  
Marshal

**MEMBERS OF COUNCIL**

**ROSS VENRICK, President**

**RAY K. LOWERY**

**EDMUND E. GARDNER**

**STANLEY W. SALSBUURY**

**WILLIAM W. GOLDSBERRY**

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**PUBLISHED BY**  
**THE W. H. ANDERSON COMPANY**  
**FOR THE**  
**VILLAGE OF UNIONVILLE CENTER**  
**OHIO**

4

THE

CODE OF ORDINANCES

OF THE

CITY OF CINCINNATI

Revised Edition, 1969

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BY

THE W. H. ANDERSON COMPANY

Cincinnati, Ohio 45202

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NO PART OF THIS BASIC CODE OF  
ORDINANCES MAY BE REPRODUCED  
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WRITTEN PERMISSION OF THE  
PUBLISHER.

Ohio Sec 4511-20

Tire Peeling Ordinance 244 26.47

Locking Ordinance 225 fin 10.48 plus cost

Bureau of Motor Vehicles

275 S. Fourth St. Columbus Ohio 43216

State Fire Marshal 31 N. Gray Ave.

Columbus Ohio

zip code 43215

## THE ORDINANCES IN THIS VOLUME

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## ORDINANCE NO. 253

Enacting a Code of Ordinances for the Village of Unionville Center, Ohio, codifying, renumbering, revising and rearranging existing ordinances of the Village, adding new matter and repealing various ordinances.

WHEREAS, the present general ordinances of the village are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and welfare of the Village and for the proper conduct of its affairs;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Unionville Center, Ohio, that:

Section 1: Pursuant to section 731.23.1 of the Revised Code of Ohio, the 1962 edition of the Basic Code of Ordinances For Adoption by Villages in Ohio, published by The W. H. Anderson Company in book form, is hereby adopted by reference as an ordinance of the Village for the purpose of establishing regulations concerning the organization, qualifications, appointment or election, terms of office and the powers and duties of the officials, boards and bodies of the Village; regulations governing vehicular and pedestrian traffic within the village; regulations concerning streets, sidewalks, sewers, animals, intoxicating liquors, sanitation and health, nuisances, dangerous weapons, explosives and fireworks; regulations regulating and licensing commercial amusements; and offenses against persons, offenses pertaining to property, offenses against public peace, offenses relating to undesirable persons, offenses against morals and decency, and offenses pertaining to gambling, curfew hours for minors, regulations pertaining to house trailer occupancy, loitering; and penalties for the violation of the provisions of said Basic Code.

Section 2: Notwithstanding the provisions of section 1, the following provisions of said Basic Code of Ordinances are excluded from adoption:

<i>Section Number</i>	<i>Summary</i>
26.20	Parking meters.
52.02	Taxicabs.
54.14	Peddlers.



Section 3: The following provisions shall be added to the provisions of said Basic Code of Ordinances and are hereby adopted as part thereof:

<i>Section Number</i>	<i>Summary</i>
26.47	Noisy muffler; tire peeling.
36.70	Abatement of specified municipal nuisances.
37.2	Hours of curfew for minors under twelve.
37.4	Hours of curfew for minors under eighteen.
37.6	Enforcement.
40.2	House trailer occupancy prohibited.

Section 4: Whoever violates any the provisions of said Basic Code of Ordinances as adopted by this ordinance shall be subject to the penalty indicated therein for such offense.

Section 5: Copies of said Basic Code of Ordinances are on file with the Clerk of Council of the Village for inspection by the public and are also on file in the county law library. The Clerk of Council has copies of said Basic Code available for distribution to the public at cost.

Section 6: This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the village for the reason that the present general ordinances of the village are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and welfare of the village and for the proper conduct of its affairs, and shall therefore become effective immediately upon passage.

HAROLD WALK

Mayor

RONALD W. HILBERT

Clerk-Treasurer

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## **TITLE II: APPLICATION OF CODE**

### **Chapter**

## **2. INTERPRETATION; DEFINITIONS; RULES OF CONSTRUCTION**

### **CHAPTER 2: INTERPRETATION; DEFINITIONS; RULES OF CONSTRUCTION**

#### **Section**

- 2.2 Interpretation.
- 2.4 Application to future legislation.
- 2.6 Captions.
- 2.8 General definitions.
- 2.10 Rule of separability.
- 2.12 Reference to other sections.
- 2.14 Reference to offices.
- 2.16 Ordinances repealed.
- 2.18 Ordinances unaffected.
- 2.20 Errors and omissions.

**Sec. 2.2 Interpretation.** This ordinance shall be known and may be designated and cited as "The Village Code of 1970." The codification has been made in one ordinance under appropriate titles, chapters and sections by authority of the Revised Code of Ohio.

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 the Revised Code of Ohio.

Where a section of this Code is followed by a reference to the Revised Code, such reference indicates that the section is analogous or similar to such Revised Code section. Footnotes, cross-references and other comments are by way of explanation only and should not be deemed a part of the text of any section.

**Sec. 2.4 Application to future legislation.** All of the provisions of Title II, not incompatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.

**Sec. 2.6 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.

**Sec. 2.8 General definitions.** The expressions "this Code" or "this Code of Ordinances" shall mean the Village Code as adopted by this ordinance, and as hereafter modified by amendment, revision and by the adoption of new titles, chapters or sections.

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 word "person" and its derivatives shall include a corporate body or any body of persons corporate or incorporate.

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

Either conjunction "and" or "or" shall include the other as if written "and/or."

**Sec. 2.10 Rule of separability.** Each chapter, section or, whenever divisible, part section of this Code of Ordinances is hereby declared to be separable, and the invalidity of any chapter, section or divisible part section, shall not be construed to affect the validity of any other chapter, section or part section of this Code.

**Sec. 2.12 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, re-codified or re-numbered unless the subject matter be changed or materially altered by the amendment or revision.

**Sec. 2.14 Reference to offices.** Reference to a public office or officer shall be deemed to apply to any office or officer 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.

**Sec. 2.16 Ordinances repealed.** This Code, from and after its effective date, shall contain all of the provisions of a general nature of the village pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this Code, shall be deemed repealed from and after the effective date of this Code of Ordinances. The effect of this section shall not be curtailed or limited by § 86.2, specifically repealing certain ordinances.

**Sec. 2.18 Ordinances unaffected.** All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this Code of Ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

Ordinances specifically saved, § 86.4 herein.

**Sec. 2.20 Errors and omissions.** If a manifest error be discovered consisting of the misspelling of any word or 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 provision shall have the same effect as though the correct words were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

## **TITLE IV: GOVERNMENTAL DEPARTMENTS**

### **Chapter**

- 4. APPLICATION OF TITLE IV; GENERAL PROVISIONS**
- 10. LEGISLATIVE; COUNCIL**
- 12. EXECUTIVE**
- 14. JUDICIAL**
- 16. POLICE DEPARTMENT**
- 18. FIRE DEPARTMENT**

## **CHAPTER 4: APPLICATION OF TITLE IV; GENERAL PROVISIONS**

### **Section**

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### **GENERAL PROVISIONS**

- 4.4 Qualifications; oaths.**
- 4.6 Approval of bonds.**
- 4.8 Sufficiency of form of bond.**
- 4.10 Additional bond; where bonds recorded and kept.**
- 4.12 Bonds of officers and employees; amount of.**
- 4.14 Salaries of officers and employees; amount of.**

**Sec. 4.2 Application of Title IV.** Title IV of this Code of Ordinances is designed to include and incorporate insofar as is practical, all legislation concerning the organization, qualifications, appointment or election, terms of office, compensation and the powers and the duties of the officials, boards and bodies of the village. Pertinent sections of the Revised Code of Ohio relative to such 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 facile reference to the statutory provisions.

### **GENERAL PROVISIONS**

**Sec. 4.4 Qualifications; oaths.** Each officer of the corporation, or of any department or board thereof, whether elected or appointed as a substitute for a regular officer, shall be an elector of the corporation, except as otherwise expressly provided, and before entering upon his official duties shall take an oath to support the constitution of the United States and the constitution of Ohio, and an oath that he will faithfully, honestly and impartially discharge the duties of the office. Such provisions as to official oaths shall extend to deputies, but they need not be electors. (RC § 733.68)

**Sec. 4.6 Approval of bonds.** The official bonds of all municipal officers shall be prepared by the solicitor. Except as otherwise provided in this title, they shall be in such sum as



the council prescribes by general or special ordinance and be subject to the approval of the mayor, except that the mayor's bond shall be approved by the council, or, if it is not legally organized, by the clerk of the court of common pleas of the county in which the corporation or the larger part thereof is situated. (RC § 733.70)

**Sec. 4.8 Sufficiency of form of bond.** In each such bond, the condition that the person elected or appointed shall faithfully perform the duties of the office shall be sufficient. The fact that the instrument is without a seal, that blanks like the date or amount have been filled subsequent to its execution but before its acceptance, without the consent of the sureties, that all the obligees named in the instrument have not signed it, that new duties have been imposed on the officers or that any merely formal objection exists shall not be available in any suit on the instrument. (RC § 733.71)

**Sec. 4.10 Additional bond; where bonds recorded and kept.** Each officer required by law or ordinance to give bond shall do so before entering upon the duties of the office, except as otherwise provided in this title. In its discretion council at any time may require each officer to give a new or additional bond. Except that of the auditor or clerk, each bond upon its approval shall be delivered to the auditor or clerk, who shall immediately record it in a record provided for that purpose and file and carefully preserve it in his office. The bond of the auditor or clerk shall be delivered to the treasurer, who shall in like manner record and preserve it. (RC § 733.69)

**Sec. 4.12 Bonds of officers and employes; amount of.** Before entering upon the discharge of his duties, each officer and employe herein named shall execute a bond approved according to law in the amount set forth opposite his respective office or position:

Bonds of all officers and employes not listed above shall remain as now established or fixed elsewhere in this Code.

**Sec. 4.14 Salaries of officers and employes; amount of.** Salaries and wages unless otherwise determined by this section or elsewhere in this Code shall remain as the same are now established. Salaries of the following officers and employes are established as follows:

Salaries of all officers and employes, unless council directs otherwise, shall be paid monthly, semi-monthly or weekly as determined by the auditor. Any amounts due shall be paid as soon as practicable after a termination of employment has occurred.

Unless otherwise specified herein each salaried employe shall be entitled annually to a two weeks' leave of absence with pay, which shall be non-cumulative.

## **CHAPTER 10: LEGISLATIVE; COUNCIL**

### **Section**

- 10.2**    **Organization; meetings.**
- 10.4**    **Adoption of ordinances.**
- 10.6**    **Numbering of sections.**
- 10.8**    **Correction of form of ordinances.**
- 10.10**   **Publication.**

**Sec. 10.2 Organization; meetings.** The council shall, except as otherwise provided in this section, meet in regular session at the council chambers at 8:00 p.m. on the second Monday of each month. Should any holiday fall upon the date for a regular meeting, the council shall appoint another date within the same month in lieu thereof. The mayor or any three members may call special meetings upon at least twelve hours' notice to each member, served personally or left at his usual place of residence. (RC § 731.46)

**Sec. 10.4 Adoption of ordinances.** Each measure of a general nature hereafter adopted, other than an ordinance of general application limited to a single occasion, wherever practicable, shall be of a form re-enacting, revising, supplementing or amending an appropriate title, chapter or section of this Code of Ordinances. Such ordinance when so adopted shall become part of this Code as though included in its original enactment, and shall constitute a repealer of any previous section or sections intended to be repealed thereby. The provisions of this and sections 10.6 and 10.8 are directory and failure of council to comply therewith shall not affect the validity of any such ordinance.

**Sec. 10.6 Numbering of sections.** Each measure enacted as provided in section 10.4 shall be assigned an appropriate caption and section number.

**Sec. 10.8 Correction of form of ordinances.** It shall be the duty of the village clerk and of the solicitor, or either, whenever the form of a proposed measure does not comply with the pro-

visions of the preceding sections, to call attention of council thereto, and the solicitor shall submit a draft of such measure which, if adopted, will correct the omission.

**Sec. 10.10 Publication.** Each ordinance of a general nature hereafter adopted shall be published in the manner provided by law.

### CROSS REFERENCE

Administrator, Village, appointment, etc., RC § 735.27.1 et seq.  
 Board of public affairs, establishment of, RC § 735.28.  
 Clerk-treasurer, merger of offices, RC § 733.26.1.  
 Compensation and bonds of officers, clerks, and employes, RC § 731.13.  
 Contracts, RC § 731.14 et seq.  
 General powers, RC § 731.47.  
 Legal counsel for village, RC § 733.48.  
 Official bonds, RC § 731.49 et seq.  
 Ordinances, RC § 731.17 et seq.  
 Ordinances, codes of, RC §§ 731.23, 731.23.1.  
 Qualifications, election and term of members; organization of council, RC § 731.09 et seq.  
 Quorum and special meetings, RC § 731.44.  
 Rules, journal, expulsion of members, RC § 731.45.  
 Vacancy, RC § 731.43.

## CHAPTER 12: EXECUTIVE

### Section

- 12.2 Executive power; where vested.
- 12.4 Mayor, election, term, qualifications, powers and duties.
- 12.6 Vacancy in office of mayor, how filled.

**Sec. 12.2 Executive power; where vested.** The executive power and authority of the village shall be vested in the mayor, clerk-treasurer, marshal, street commissioner, and such other officers and departments as are created by law. (RC § 733.23)

**Sec. 12.4 Mayor; election, term, qualifications, powers and duties.** The mayor shall be elected for a term of four years commencing on the first day of January, next after his election. He shall be an elector of the corporation. He shall be the chief conservator of the peace within the corporation, and shall have the powers hereinafter conferred, perform the duties hereinafter imposed, and such other powers and duties as are provided by law. He shall be the president of the council, and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie. (RC § 733.24)

**Sec. 12.6 Vacancy in office of mayor, how filled.** When the mayor is absent from the village, or is unable for any cause to perform his duties, the president pro tem of council shall be acting mayor. In case of the death, resignation, or removal of the mayor, the president pro tem of council shall become the mayor and serve for the unexpired term. (RC § 733.25)

Judicial powers of mayor, chapter 14 herein.

Powers and duties of marshal, chapter 16 herein.

Powers and duties of clerk, RC § 733.26 et seq.

Powers and duties of mayor, RC § 733.30 et seq.

Powers and duties of treasurer, RC § 733.42 et seq.

Powers and duties of street commissioner, RC § 735.31 et seq.

## **CHAPTER 14: JUDICIAL**

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#### **General Jurisdiction and Powers**

- 14.8 Powers of mayor in criminal matters.
- 14.10 Duties; fees; office; seal.
- 14.12 Venue; contiguous villages divided by railroad.
- 14.14 Venue; railroad forming part of boundary line.

#### **Jurisdiction Over Offenders**

- 14.16 Jurisdiction in ordinance cases and traffic violations.
- 14.20 Right to trial by jury; exception.

### **ARREST OF ACCUSED**

- 14.22 Officer may arrest on view.
- 14.24 Detention of shoplifters.
- 14.26 Affidavit filed in case of arrest without warrant.
- 14.28 Duty of private person making arrest.
- 14.30 Duty to inform person arrested of cause thereof.
- 14.32 Issuance of warrant.
- 14.34 Accusation by affidavit to cause arrest or prosecution.
- 14.36 Procedure upon filing of affidavit or complaint.
- 14.38 Failure of person summoned to appear.
- 14.40 Forcible entry in making arrest.
- 14.42 Proceedings upon arrest.
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- 14.120 Contempt of court; rules.
- 14.122 Recovery of fines and forfeitures.
- 14.124 New trial.
- 14.126 Appeals.

**Sec. 14.2 Application of Chapter 14.** Chapter 14 of this Code of Ordinances consists mainly of a collection of sections taken from the Revised Code of Ohio dealing with the judicial powers and duties of the mayor.

**Sec. 14.4 Definitions.** The word "magistrate" is defined by section 2931.01 of the Revised Code as including "mayor." The term "magistrate," where used in the following sections, may be considered to include "mayor." Chapters 1907 to 1923 of the Revised Code create in each county a court known as the county court. The office of justice of the peace, and the justice of the peace court have been abolished. The term "justice of the peace" or references to the justice's courts in the following sections may be considered to refer to county judges and county courts.

A "felony" is an offense punishable by death or by incarceration in the penitentiary; a "misdemeanor" is any offense which is not so punishable.

By "venue" is meant the territorial limits, within the county or municipality, of the mayor's jurisdiction.

## JURISDICTION OF MAYOR

### General Jurisdiction and Powers

**Sec. 14.8 Powers of mayor in criminal matters.** The mayor has, within the corporation limits, all the powers conferred upon sheriffs to suppress disorder and keep the peace. The mayor shall award and issue all writs and process that are necessary to enforce the administration of justice throughout the municipal corporation. The mayor shall subscribe his name and affix his official seal to all writs, process, transcripts, and other official papers. A mayor shall be disqualified in any criminal case in which he was the arresting officer, assisted in the arrest, or was present at the time of arrest, and shall not hear the case. (RC § 1905.20)

General powers of mayor, RC § 733.03.

**Sec. 14.10 Duties; fees; office; seal.** The mayor of a municipal corporation shall keep a docket. After January 1, 1954, he shall not retain or receive for his own use any of the fines, forfeitures, fees, or costs he collects, but shall be paid such fixed annual salary as the legislative authority of the municipal corporation provides under sections 731.08 and 731.13 of the



Revised Code. He shall account for and dispose of all such fees, forfeitures, fines, and costs as provided in section 733.40 of the Revised Code. He shall keep an office, provided by the legislative authority of the municipal corporation, at a convenient place in the municipal corporation, and shall be furnished by the legislative authority with the corporate seal of the municipal corporation. In the center of such seal shall be the words, "Mayor of the city of . . ." or "Mayor of the village of . . ." (RC § 1905.21)

**Sec. 14.12 Venue; contiguous villages divided by railroad.** When two villages adjoin each other on opposite sides of the line of any railroad, the boundary line between such villages, except where otherwise established by law, shall be along the middle of the right of way of such railroad. (RC § 1905.17)

**Sec. 14.14 Venue; railroad forming part of boundary line.** When the line of a railroad adjoins or forms a part of the boundary line of a municipal corporation, such municipal corporation shall have jurisdiction over the entire width of the right of way of the line of railroad, so adjoining or forming a part of the boundary line of such municipal corporation, for the punishment of the violation of the ordinances of such municipal corporation. (RC § 1905.31)

### **Jurisdiction Over Offenders**

**Sec. 14.16 Jurisdiction in ordinance cases and traffic violations.** In all municipal corporations not having a police court and not being the site of a municipal court, the mayor of such municipal corporation has jurisdiction to hear and determine any prosecution for the violation of an ordinance of the municipal corporation, and has jurisdiction in all criminal causes involving moving traffic violations occurring on state highways located within the boundaries of the municipal corporation, subject to the limitations of sections 2937.08 and 2938.04 of the Revised Code of Ohio (sections 14.68 and 14.76 herein).

In keeping his docket and files, the mayor shall be governed by the laws pertaining to county courts. (RC § 1905.01)

**Sec. 14.20 Right to trial by jury; exception.** At any trial, in any court, for the violation of any statute of the state of Ohio, or of any ordinance of any municipality, except in cases where the penalty involved does not exceed a fine of fifty dollars, the

accused shall be entitled to be tried by a jury drawn in the manner prescribed by law for the selection of jurors. (RC § 2945.17)

### ARREST OF ACCUSED

**Sec. 14.22 Officer may arrest on view.** A sheriff, deputy sheriff, marshal, deputy marshal or police officer shall arrest and detain a person found violating a law of this state, or an ordinance of a village, until a warrant can be obtained.

When there has been a violation or there is reasonable ground to believe there has been a violation of section 2901.25, 2907.20, 2909.12, insofar [as] it relates to shooting at trains, motor vehicles, or vessels, or section 2923.01 of the Revised Code, or of any ordinance of a municipal corporation which substantially incorporates any offense contained in such chapters or section, a sheriff, deputy sheriff, marshal, deputy marshal, or police officer may arrest without a warrant any person whom he has reasonable cause to believe is guilty of the violation, and detain him until a warrant can be obtained.

A constable within the limits of the township in which said constable has been appointed or elected, shall arrest and detain a person found by him in the commission of a misdemeanor, either in violation of a law of this state or an ordinance of a village, until a warrant can be obtained. (RC § 2935.03)

**Sec. 14.24 Detention of shoplifters.** A merchant, or a merchant's employee who has probable cause for believing that items offered for sale by a mercantile establishment have been unlawfully taken by a person, may, in order to recover such items without search or undue restraint, cause an arrest to be made by a police officer until a warrant can be obtained, detain such person in a reasonable manner for a reasonable length of time within the said mercantile establishment or the immediate vicinity thereof.

Any police officer may, within a reasonable time after such alleged unlawful taking has been committed, arrest without a warrant, any person he has probable cause for believing has committed such unlawful taking in a mercantile establishment. (RC § 2935.041)

**Sec. 14.26 Affidavit filed in case of arrest without warrant.** When a person named in section 2935.03 of the Revised Code has arrested a person without a warrant, he shall, without unnecessary delay, take the person arrested before a court or magis-

trate having jurisdiction of the offense, and shall file or cause to be filed an affidavit describing the offense for which the person was arrested. Such affidavit shall be filed either with the court or magistrate, or with the prosecuting attorney or other attorney charged by law with prosecution of crimes before such court or magistrate and if filed with such attorney he shall forthwith file with such court or magistrate a complaint, based on such affidavit. (RC § 2935.05)

**Sec. 14.28 Duty of private person making arrest.** A private person who has made an arrest pursuant to section 2935.04 of the Revised Code or detention pursuant to section 2935.041 of the Revised Code (Sec. 14.24 herein) shall forthwith take the person arrested before the most convenient judge or clerk of a court of record or before a magistrate, or deliver such person to an officer authorized to execute criminal warrants who shall, without unnecessary delay, take such person before the court or magistrate having jurisdiction of the offense. The officer may, but if he does not, the private person shall file or cause to be filed in such court or before such magistrate an affidavit stating the offense for which the person was arrested. (RC § 2935.06)

Right to make arrest, RC § 2935.04.

**Sec. 14.30 Duty to inform person arrested of cause thereof.** When an arrest is made without a warrant by an officer, he shall inform the person arrested of his authority and cause of the arrest; and when the arrest is made by a private person, he shall, before making the arrest, inform the person to be arrested, of the intention to arrest him and the cause of the arrest; except that when a person is engaged in the commission of a criminal offense, it shall not be necessary to inform him of the cause of his arrest. (RC § 2935.07)

**Sec. 14.32 Issuance of warrant.** Upon the filing of an affidavit or complaint as provided in section 2935.05 or 2935.06 of the Revised Code (Sec. 14.26 and 14.28 herein) such judge, clerk, or magistrate shall forthwith issue a warrant to the peace officer making the arrest, or if made by a private person, to the most convenient peace officer who shall receive custody of the person arrested. All further detention and further proceedings shall be pursuant to such affidavit or complaint and warrant. (RC § 2935.08)

**Sec. 14.34 Accusation by affidavit to cause arrest or prosecution.** In all cases not provided by sections 2935.02 to 2935.08, inclusive, of the Revised Code, in order to cause the arrest or prosecution of a person charged with committing an offense in this state, a peace officer, or a private citizen having knowledge of the facts, shall file with the judge or clerk of a court of record, or with a magistrate, an affidavit charging the offense committed, or shall file such affidavit with the prosecuting attorney or attorney charged by law with the prosecution of offenses in court or before such magistrate, for the purpose of having a complaint filed by such prosecuting or other authorized attorney. (RC § 2935.09)

**Sec. 14.36 Procedure upon filing of affidavit or complaint.** Upon the filing of an affidavit or complaint as provided by section 2935.09 of the Revised Code (Sec. 14.34 herein), if it charges the commission of a felony, such judge, clerk or magistrate, unless he has reason to believe that it was not filed in good faith, or the claim is not meritorious, shall forthwith issue a warrant for the arrest of the person charged in the affidavit, and directed to a peace officer; otherwise he shall forthwith refer the matter to the prosecuting attorney or other attorney charged by law with prosecution for investigation prior to the issuance of warrant.

If the offense charged is a misdemeanor or violation of a municipal ordinance, such judge, clerk, or magistrate may:

(A) Issue a warrant for the arrest of such person, directed to any officer named in section 2935.03 of the Revised Code (Sec. 14.22 herein) but in cases of ordinance violation only to a police officer or marshal or deputy marshal of the municipal corporation;

(B) Issue summons, to be served by a peace officer, bailiff, or court constable, commanding the person against whom the affidavit or complaint was filed to appear forthwith, or at a fixed time in the future, before such court or magistrate. Such summons shall be served in the same manner as in civil cases.

If the affidavit is filed by, or the complaint is filed pursuant to an affidavit executed by, a peace officer who has, at his discretion, at the time of commission of the alleged offense, notified the person to appear before the court or magistrate at a specified time set by such officer, no process need be issued unless the defendant fails to appear at the scheduled time.

Any person charged with a misdemeanor or violation of a municipal ordinance may give bail as provided in sections 2937.22 to 2937.46, inclusive, of the Revised Code, for his appearance, regardless of whether a warrant, summons, or notice to appear has been issued.

Any warrant, summons, or any notice issued by the peace officer shall state the substance of the charge against the person arrested or directed to appear. (RC § 2935.10)

**Sec. 14.38 Failure of person summoned to appear.** If the person summoned to appear as provided in division (B) of section 2935.10 of the Revised Code (Sec. 14.36 herein) fails to appear without just cause and personal service of the summons was had upon him, he may be found guilty of contempt of court, and may be fined not to exceed twenty dollars for such contempt. Upon failure to appear, the court or magistrate may forthwith issue a warrant for his arrest. (RC § 2935.11)

**Sec. 14.40 Forcible entry in making arrest.** When making an arrest or executing a warrant for the arrest of a person charged with an offense, or a search warrant, the officer making the arrest may break down an outer or inner door or window of a dwelling house or other building if, after notice of his intention to make such arrest or such search, he is refused admittance, but an officer executing a search warrant shall not enter a house or building not described in the warrant. (RC § 2935.12)

**Sec. 14.42 Proceedings upon arrest.** Upon the arrest of any person pursuant to warrant, he shall forthwith be taken before the court or magistrate issuing the same, if such court be in session or such magistrate available, and proceedings had as provided in sections 2937.01 to 2937.46, inclusive, of the Revised Code. If such court be not in session and a misdemeanor or ordinance violation is charged, he shall be taken before the clerk or deputy clerk of the court and let to bail, as provided in sections 2937.22 to 2937.46, inclusive, of the Revised Code, if the magistrate be not available, or if the defendant is arrested in a county other than that of the issuing court or magistrate he shall forthwith be taken before the most convenient magistrate, clerk, or deputy clerk of a court of record, and there let to bail for his appearance before the issuing court or magistrate within a reasonable time to be set by such clerk. (RC § 2935.13)

**Sec. 14.44 Rights of person arrested.** After the arrest, detention, or any other taking into custody of a person, with or without a warrant, such person shall be permitted forthwith facilities to communicate with an attorney at law of his choice

who is entitled to practice in the courts of this state, or to communicate with any other person of his choice for the purpose of obtaining counsel. Such communication may be made by a reasonable number of telephone calls or in any other reasonable manner. Such person shall have a right to be visited immediately by any attorney at law so obtained who is entitled to practice in the courts of this state, and to consult with him privately. No officer or any other agent of this state shall prevent, attempt to prevent, or advise such person against the communication, visit, or consultation provided for by this section.

Whoever violates this section shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not more than thirty days, or both. (RC § 2935.20; see also RC § 2935.14)

**Sec. 14.46 Amount and disposition of bail.** Amount of bail, and nature of security therefor in misdemeanor cases may be set by a schedule fixed by the court or magistrate, or it may be endorsed on the warrant by the magistrate or clerk of the issuing court. If the amount be not endorsed on the warrant, the schedule set by the court or magistrate before whom bail is taken shall prevail. All recognizances taken, or cash received shall be promptly transmitted to the court issuing the warrant, and further proceedings thereon shall be the same as if taken by the issuing court. (RC § 2935.15)

Release on own recognizance, RC §§ 2937.29, 2937.99.

**Sec. 14.48 Prisoners held without process.** When it comes to the attention of any judge or magistrate that a prisoner is being held in any jail or place of custody in his jurisdiction without commitment from a court or magistrate, he shall forthwith, by summary process, require the officer or person in charge of such jail or place of custody to disclose to such court or magistrate, in writing, whether or not he holds the person described or identified in the process and the court under whose process the prisoner is being held. If it appears from the disclosure that the prisoner is held solely under warrant of arrest from any court or magistrate, the judge or magistrate shall order the custodian to produce the prisoner forthwith before the court or magistrate issuing the warrant and if such be impossible for any reason, to produce him before the inquiring judge or magistrate. If it appears from the disclosure that the prisoner is held without process, such judge or magistrate shall require the custodian to produce the prisoner forthwith before him, there to be charged as provided in section 2935.06 of the Revised Code. (Sec. 14.28 herein)

Whoever, being the person in temporary or permanent charge of any jail or place of confinement, violates this section shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than ninety days, or both. (RC § 2935.16)

**Sec. 14.50 Contents of warrant, summons or notice.** A warrant, summons, or notice of a peace officer shall either contain a copy of the affidavit, or recite the substance of the accusation. A warrant shall be directed to a specific officer or to a department designated by its chief, and shall command such officer or member of department to take the accused and bring him forthwith before the magistrate or court issuing such warrant, to be dealt with according to law. A summons shall be directed to the officer or department, and shall command him to notify the accused by serving a copy of such summons upon him. The following form of warrant is sufficient:

The State of Ohio

..... County, ss:  
To the Sheriff (other Officer):

Greetings:

Whereas there has been filed with me an affidavit of which the following is a copy (here copy) or the substance, (here set forth the substance, omitting formal parts). These are therefore to command you to take the said E. F., if he is found in your county, or if he is not found in your county, that you pursue after him in any other county in this state and take and safely keep the E. F. so that you have his body forthwith before me or some other magistrate of said county to answer the said complaint and be further dealt with according to law.

Given under my hand this ..... day of ....., 19....

A. B., Judge of ..... Court

Clerk of ..... Court

The following form of summons is sufficient:

The State of Ohio, ..... County, ss: To the Bailiff  
or ..... Constable:

Whereas there has been filed before me an Affidavit (Complaint) of which the following is a copy (copy here) or the substance (here set forth the substance, omitting formal parts). You are commanded to summon one said E. F. to appear before me on the ..... day of ....., 19.., at ..... o'clock, ... M., at ..... Building, ..... Ohio, to answer to said charge.

You will make due return of this summons forthwith upon service.

A. B., Judge of ..... Court  
Clerk of ..... Court  
(RC § 2935.18)

**Sec. 14.52 Form of affidavit.** An affidavit in the form following is sufficient:

The State of Ohio,

..... County, ss:

Before me, A. B., personally came C. D., who being duly sworn according to law, deposes and says that on or about the ..... day of ..... at the county of ..... one E. F. (here describe the offense committed as nearly according to the nature thereof as the case will admit, in ordinary and concise language.)

Sworn to and subscribed before me, this ..... day of ....., 19...

A. B., Judge

(RC § 2935.19; See also RC § 2935.17)

## PRELIMINARY EXAMINATION

**Sec. 14.56 Announcement of charge and rights of accused by court.** When, after arrest, the accused is taken before a court or magistrate, or when the accused appears pursuant to terms of summons or notice, the affidavit or complaint being first filed, the court or magistrate shall, before proceeding further:

(A) Inform the accused of the nature of the charge against him and the identity of the complainant and permit the accused or his counsel to see and read the affidavit or complaint or a copy thereof;

(B) Inform the accused of his right to have counsel and the right to a continuance in the proceedings to secure counsel;

(C) Inform the accused of the effect of pleas of guilty, not guilty, and no contest, of his right to trial by jury, and the necessity of making written demand therefor;

(D) If the charge be a felony, inform the accused of the nature and extent of possible punishment on conviction and of the right to preliminary hearing. Such information may be given to each accused individually or, if at any time there exists any substantial number of defendants to be arraigned at the same



session, the judge or magistrate may, by general announcement or by distribution of printed matter, advise all those accused concerning those rights general in their nature, and informing as to individual matters at arraignment. (RC § 2937.02)

**Sec. 14.58 Arraignment; counsel; bail.** After the announcement, as provided by section 2937.02 of the Revised Code (Sec. 14.56 herein) the accused shall be arraigned by the magistrate, or clerk, or prosecutor of the court reading the affidavit or complaint, or reading its substance, omitting purely formal parts, to him unless such reading be waived. The judge or magistrate shall then inquire of the accused whether he understands the nature of the charge. If he does not indicate understanding, the magistrate shall give explanation in terms of the statute or ordinance claimed violated. If he is not represented by counsel and expresses desire to consult with an attorney at law, the judge or magistrate shall continue the case for a reasonable time to allow him to send for or consult with counsel and shall set bail for such later appearance if the offense is bailable. If the accused is not able to make bail, or the offense is not bailable, the court or magistrate shall require the officer having custody of accused forthwith to take a message to any attorney at law within the municipal corporation where accused is detained, or to make available to accused forthwith use of telephone for calling to arrange for legal counsel or bail. (RC § 2937.03)

**Sec. 14.60 Motion for dismissal.** If accused does not desire counsel or, having engaged counsel, appears at the end of granted continuance, he may then raise, by motion to dismiss the affidavit or complaint, any exception thereto which could be asserted against an indictment or information by motion to quash, plea in abatement, or demurrer. Such motion may be made orally and ruled upon by the court or magistrate at the time of presentation, with minute of motion and ruling made in the journal (if a court of record) or on the docket (if a court not of record) or such motion may be presented in writing and set down for argument at later time. Where the motion attacks a defect in the record by facts extrinsic thereto, proof may be offered by testimony or affidavit. (RC § 2937.04)

**Sec. 14.62 Discharge on motion to dismiss; amendment of complaint.** If the motion pursuant to section 2937.04 of the Revised Code (Sec. 14.60 herein) be sustained, accused shall be

discharged unless the court or magistrate finds that the defect can be corrected without changing the nature of the charge, in which case he may order the complaint amended or a proper affidavit filed forthwith and require the accused to plead thereto. The discharge of accused upon the sustaining of a motion to dismiss shall not be considered a bar to further prosecution either of a felony or misdemeanor. (RC § 2937.04)

**Sec. 14.64 Pleas.** After all motions are disposed of or if no motion is presented, the court or magistrate shall require the accused to plead to the charge.

In cases of misdemeanor the following pleas may be received.

- (A) Guilty;
- (B) Not guilty;
- (C) No contest;
- (D) Once in jeopardy, which includes the defenses of former conviction or former acquittal.

Entry of any plea pursuant to this section shall constitute a waiver of any objection which could be taken advantage of by motion pursuant to section 2937.04 of the Revised Code. (Sec. 14.60 herein). (RC § 2937.06)

**Sec. 14.66 Action on pleas of "guilty" and "no contest".** If the offense be a misdemeanor and the accused pleads guilty thereto, the court or magistrate shall receive and enter such plea unless he believes it made through fraud, collusion; or mistake in which case he shall enter a plea of not guilty and set the matter for trial pursuant to Chapter 2938. of the Revised Code. Upon a plea of guilty being received the court or magistrate shall call for explanation of circumstances of the offense from the affiant or complainant or his representatives, and after hearing the same, together with any statement of accused, shall proceed to pronounce sentence or continue the matter for the purpose of imposing sentence or admitting the defendant to probation.

If the plea be "no contest" or words of similar import in pleading to a misdemeanor, it shall constitute a stipulation that the judge or magistrate may make finding of guilty or not guilty from the explanation of circumstances, and if guilt be found, impose or continue for sentence accordingly. Such plea shall not be construed to import an admission of any fact at issue in the criminal charge in any subsequent action or proceeding, whether civil or criminal. (RC § 2937.07)

**Sec. 14.68 Action on pleas of “not guilty” or “once in jeopardy”.** Upon the entry of such pleas to a charge of misdemeanor in a court not of record, the magistrate shall forthwith set the matter for future trial or, with the consent of both state and defendant may set trial forthwith, both pursuant to Chapter 2938. of the Revised Code, provided that if the nature of the offense is such that right to jury trial exists, such matter shall not be tried before him unless the accused, by writing subscribed by him, waives a jury trial and consents to be tried by the magistrate.

If the defendant in such event does not waive right to jury trial, then the magistrate shall require the accused to enter into recognizance to appear before court of record in the county, set by such magistrate, and the magistrate shall thereupon certify all papers filed, together with transcript of proceedings and accrued costs to date, and such recognizance if given, to such designated court of record. Such transfer shall not require the filing of indictment or information and trial shall proceed in the transferee court pursuant to Chapter 2938. of the Revised Code.

#### TRIAL

**Sec. 14.72 Applicability of sections 14.74 to 14.92.** The provisions of Chapter 2938. of the Revised Code shall apply to trial on the merits of any misdemeanor, ordinance offense, prosecution for the violation of any rule or regulation of any governmental body authorized to adopt penal regulations, or to complaints to keep the peace, which may be instituted in and retained for trial on the merits in any court or before any magistrate inferior to the court of common pleas; provided that in juvenile courts, where the conduct of any person under the age of eighteen years is made the subject of inquiry and for which special provision is made by Chapter 2151. of the Revised Code, such matters shall be tried, adjusted, or disposed of pursuant to Chapter 2151. of the Revised Code. (RC § 2938.02)

**Sec. 14.74 Setting and continuing cases.** The magistrate shall set all criminal cases for a trial at a date not later than thirty days after plea is received, or in those cases in which the charge has been reduced on preliminary hearing, then at a date not later than thirty days from fixing of charge or receipt of transcript as the case may be. Continuances beyond such date shall be granted only upon notice to the opposing party and for good cause shown. (RC § 2938.03)

**Sec. 14.76 Refusal to waive jury trial.** In courts not of record jury trial may not be had, but failure to waive jury in writing where right to jury trial may be asserted shall require the magistrate to certify such case to a court of record as provided in section 2937.08 of the Revised Code. (Sec. 14.68 herein). (RC § 2938.04)

Right to trial by jury, § 14.20 herein.

**Sec. 14.78 Authority of magistrate.** The magistrate or judge of the trial court shall control all proceedings during a criminal trial and shall limit the introduction of evidence and argument of counsel to relevant and material matters with a view to expeditious and effective ascertainment of truth regarding the matters in issue. (RC § 2938.07)

**Sec. 14.80 Presumption of innocence.** A defendant in a criminal action is presumed to be innocent until he is proved guilty of the offense charged, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he shall be acquitted. The presumption of innocence places upon the state (or the municipality) the burden of proving him guilty beyond a reasonable doubt.

In charging a jury, the trial court shall state the meaning of the presumption of innocence and of reasonable doubt in each case. (RC § 2938.08)

**Sec. 14.82 Exceptions to rulings.** In the trial of any criminal case the grounds of an objection to any ruling or action of the judge or magistrate shall be stated if required by him. An exception follows an objection as a matter of course and need not be specifically made. (RC § 2938.09)

**Sec. 14.84 Territorial jurisdiction.** The state or municipality in all cases must prove the offense committed within the territorial jurisdiction of the court, and in ordinance cases within the municipality, except as to those offenses in which the court has county wide jurisdiction created by statute and as to those cases in which certification has been made pursuant to section 2937.08 of the Revised Code (Sec. 14.68 herein). (RC § 2938.10)

**Sec. 14.86 Order of proceedings of trial.** The trial of an issue shall proceed before the trial court or jury as follows:

(A) Counsel may state the case for the prosecution including the evidence by which he expects to sustain it.

(B) Counsel for defendant may state his defense including the evidence which he expects to offer.

(C) The prosecution shall then produce all its evidence, and the defendant may follow with his evidence, but the court or magistrate, in the furtherance of justice and for good cause shown may permit evidence to be offered by either side out of its order and may permit rebuttal evidence to be offered by the prosecution.

(D) When the evidence is concluded, unless the case is submitted without argument, counsel for the prosecution shall commence, defendant or his counsel follow and counsel for the prosecution conclude his argument either to court or jury. The judge or magistrate may impose reasonable time limit on argument.

(E) The judge, after argument is concluded in a jury case, shall forthwith charge the jury on the law pertaining to the case and controlling their deliberations which charge, while it may be taken down for transcription and inclusion in any bill of exceptions, shall not be reduced to writing and taken into the jury room unless the trial judge in his discretion shall so order.

(F) Any verdict arrived at by the jury, or finding determined by judge or magistrate in trial to the court shall be announced and received only in open court as soon as it is determined. Any finding by judge or magistrate shall be announced in open court not more than forty-eight hours after submission of the case to him. (RC § 2938.11)

**Sec. 14.88 When accused may be tried in his absence.** A person being tried for a misdemeanor, upon request in writing, subscribed by him, may, with the consent of the magistrate, be tried in his absence, but no right shall exist in the defendant to be so tried. If after trial commences a person being tried escapes or departs without leave, the trial shall proceed and verdict or finding be received and sentence passed as if he were personally present. (RC § 2938.12)

**Sec. 14.90 Responsibility for prosecution.** In any case prosecuted for violation of a municipal ordinance the solicitor or law director, and for a statute, he or the prosecuting attorney, shall present the case for municipality and state respectively, but

either may delegate such responsibility to some other attorney in a proper case, or, if the defendant be unrepresented by counsel may with leave of court, withdraw from the case. But the magistrate or judge shall not permit prosecution of any criminal case by private attorney employed or retained by a complaining witness. (RC § 2938.13)

**Sec. 14.92 Rules of evidence and procedure.** The rules of evidence and procedure, including those governing notices, proof of special matters, depositions, and joinder of defendants and offenses set forth in Chapter 2945. of the Revised Code, which are not, by their nature inapplicable to the trial of misdemeanors, shall prevail in trials under Chapter 2938. of the Revised Code where no special provision is made in such chapter, or where no provision is made by rule of the supreme court adopted pursuant to section 2937.46 of the Revised Code. (RC § 2938.15)

### JUDGMENT; SENTENCE

**Sec. 14.96 Offender may be confined until fine and costs paid.** When a fine is the whole or part of a sentence, the mayor's court may order the person sentenced to remain confined in the county jail, workhouse, or prison of the municipal corporation, until the fine is paid, or secured to be paid, or the offender is legally discharged. (RC § 1905.30)

Similar statutory provisions, see RC §§ 1905.34, 2947.14, 2947.20.

**Sec. 14.98 Imprisonment to be at hard labor in certain cases.** Any person convicted of an offense against the peace and order of the village as defined in chapter 66 of this Code of Ordinances, who refuses or neglects to pay the fine imposed, shall be imprisoned and kept at hard labor until, at the rate of ten dollars for each day's labor, exclusive of Sundays, he shall have earned an amount equal to such fine, or until he shall have been otherwise legally discharged.

Offenders may be kept at hard labor, RC § 715.57.

**Sec. 14.100 Offenders to perform labor on streets, etc.** Any male offender who is held in confinement at hard labor and who is physically able to perform such labor, shall be required to perform labor upon the streets, highways, public grounds, or

buildings or other municipally owned or operated property of the village for a period of eight hours each day, Sundays and legal holidays excepted. Such labor shall be performed under the direction of either the street commissioner or village marshal or both of them.

Regulation as to labor, RC § 715.58.

**Sec. 14.102 Conditional sentence for misdemeanor.** When any person is convicted of a misdemeanor punishable either by fine or imprisonment, or both, the court may award a conditional sentence against such offender, and order him to pay a fine with or without the cost of prosecution within a limited time to be expressed in the sentence, and in default thereof to suffer such imprisonment for nonpayment of the fine as is provided by law and awarded by the court. The court may also place such an offender on probation, with the condition that he pay a fine and costs or either of them, in installments within a limited time, and may, in case of the default in any such payments on the fine, impose such sentence as is provided by law.

The person against whom such conditional sentence is awarded, shall be forthwith committed to the custody of an officer of the court, until such sentence is complied with. If he does not pay the fine within the time limited he shall be committed to the county jail. The sheriff shall execute the sentence according to the terms thereof. (RC § 2947.11)

**Sec. 14.104 Remission or suspension of sentence.** Any court sentencing a person for misdemeanor may, at the time of sentence, omit or suspend such sentence in whole or in part, upon such terms as the court may impose. (RC § 2947.13)

## DISPOSITION OF FINES

**Sec. 14.108 Disposition of fines and other moneys.** All fines, forfeitures, and costs in ordinance cases and all fees collected by the mayor, or which in any manner come into his hands, or which are due such mayor or a marshal, chief of police, or other officer of the municipal corporation, any other fees and expenses which have been advanced out of the treasury of the municipal corporation, and all money received by such mayor for the use of such municipal corporation, shall be paid by him into such treasury on the first Monday of each month. At the first regular meeting of the legislative authority each month, the mayor shall



submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by sections 3375.50 to 3375.52, inclusive, of the Revised Code, all fines, and forfeitures collected by the mayor in state cases, together with all fees and expenses collected which have been advanced out of the county treasury, shall be paid by him to the county treasurer on the first business day of each month. All court costs and fees collected by the mayor in state cases shall be paid by him into the municipal treasury on the first business day of each month. (RC § 733.40)

For other provisions relative to disposition of fines and other moneys see RC § 3375.50 et seq.

**Sec. 14.110 Fines collected from persons arrested by state highway patrolmen.** All fines collected from or moneys arising from bonds forfeited by persons apprehended or arrested by state highway patrolmen shall be paid forty-five per cent into the state treasury and fifty-five per cent to the treasury of the municipal corporation where such case is prosecuted if in a mayor's court. If such prosecution is in a trial court outside a municipal corporation or outside the territorial jurisdiction of a municipal court, such moneys shall be paid fifty-five per cent into the county treasury. Such moneys paid into the state treasury shall be credited to the state highway maintenance and repair fund. The moneys paid into a county treasury and the moneys paid into the treasury of a municipal corporation shall be deposited one half to the same fund and expended in the same manner as is the revenue received from the registration of motor vehicles, and one half to the general fund of such county or municipal corporation.

If such prosecution is in a municipal court, forty-five per cent of such moneys shall be paid into the state treasury to be credited to the state highway maintenance and repair fund, ten per cent to the county treasury, and forty-five per cent to the municipal treasury to be credited to the general fund of such county or municipal corporation.

The trial court shall make remittance of such moneys as prescribed in this section, and at the same time as such remittance is made of the state's portion to the state treasury such trial court shall notify the superintendent of the state highway patrol of the case and the amount covered by such remittance.

The enactment of GC § 1183-4 (now RC § 5503.04) did not repeal by implication GC §§ 3056 to 3056-3 (RC § 3375.50 et seq). Van Wert County Law Library Assn. v Stuckey, 42 OO 1 (CD).



**Sec 14.112 Disposition of moneys collected.** All fines collected under sections 4511.01 to 4511.78, inclusive, 4511.99, and 4513.01 to 4513.37, inclusive, of the Revised Code, shall be paid into the county treasury and, with the exception of that portion distributed under section 3375.53 of the Revised Code, shall be placed to the credit of the fund for the maintenance and repair of the highways within such county, provided that all fines collected from, or moneys arising from bonds forfeited by, persons apprehended or arrested by state highway patrolmen shall be distributed as provided in section 5503.04 of the Revised Code. (RC § 4513.35)

### MISCELLANEOUS

**Sec. 14.116 Fees of witnesses.** In cases for the violation of ordinances, the fees of witnesses shall be paid, on the certificate of the officer presiding at the trial, from the treasury of the municipal corporation. (RC § 1905.26)

**Sec. 14.118 Fees of officers.** The fees of the mayor of a municipal corporation, in all cases, are the same as those allowed judges of a county court, and the fees of the marshal, chief of police, and other police officers serving writs or process of the mayor's court, in all cases, are the same as those allowed constables. (RC § 1905.27)

**Sec. 14.120 Contempt of court; rules.** The mayor presiding at any trial may punish contempts, compel the attendance of jurors and witnesses, and establish rules for the examination and trial of all cases brought before him, in the same manner as judges of county courts. (RC § 1905.28)

**Sec. 14.122 Recovery of fines and forfeitures.** Fines, penalties, and forfeitures may, in all cases, and in addition to any other mode provided, be recovered by action before any judge of a county court, or other court of competent jurisdiction, in the name of the proper municipal corporation, and for its use. In any action in which a pleading is necessary, it is sufficient if the petition sets forth generally the amount claimed to be due in respect to the violation of the ordinance of the municipal corpor-

ation. Such petition shall refer to the title of such ordinance, state the date of its adoption or passage, and show, as near as is practicable, the true time of the alleged violation. (RC § 1905.32)

Time within which action must be brought, one year, RC § 1905.33.

**Sec. 14.124 New trial.** In prosecutions before a magistrate, a defendant who has been found guilty upon the verdict of a jury or by the decision of the magistrate without the intervention of a jury may upon written application filed within three days after the verdict or decision, be granted a new trial in like manner and for like reasons as provided by sections 2945.79 to 2945.83, inclusive, of the Revised Code. (RC § 2931.15)

**Sec. 14.126 Appeals.** Appeals from a mayor's court may be taken to the municipal court or county court having jurisdiction within the municipal corporation. (RC § 1905.22)

## CHAPTER 16: POLICE DEPARTMENT

### Section

- 16.1 Marshal, chief of police, synonymous.
- 16.2 Appointment of marshal; removal; appeal.
- 16.4 Deputy marshals, policemen, etc.
- 16.6 Probationary period; final appointment.
- 16.8 General powers.
- 16.10 Duties to suppress riots and make arrests.
- 16.12 Powers of marshal; fees.
- 16.14 Disposition of fines and penalties.
- 16.16 Property recovered by police.
- 16.18 Inventory to person from whom taken.
- 16.20 Disposition to claimant.
- 16.22 Sale of unclaimed property; disposition of proceeds.
- 16.24 Title for unclaimed motor vehicle.
- 16.26 Impounding of motor vehicle; owner may reclaim.
- 16.28 Junk vehicles; procedure for disposal.

**Sec. 16.1 Marshal, chief of police, synonymous.** The designation "marshal" wherever used in this code is hereby defined to include "chief of police" and "chief of police" is defined to include "marshal."

**Sec. 16.2 Appointment of marshal; removal; appeal.** Each village shall have a marshal, designated chief of police, appointed by the mayor with the advice and consent of the legislative authority of the village, who need not be a resident of the village at the time of his appointment but shall become a resident thereof within six months after his appointment by the mayor and confirmation by the legislative authority unless such residence requirement is waived by ordinance, and who shall continue in office until removed therefrom as provided by section 16.6 of this code.

No person shall receive an appointment under this section after January 1, 1970, unless, not more than sixty days prior to receiving such appointment, he has passed a physical examination, given by a licensed physician, showing that he meets the physical requirements necessary to perform the duties of village marshal as established by the legislative authority of the village. The appointing authority shall, prior to making any such appointment, file with the police and firemen's disability and pension

fund a copy of the report or findings of said licensed physician. The professional fee for such physical examination shall be paid for by such legislative authority. (RC § 737.15)

Auxiliary police, see RC § 737.161.

**Sec. 16.4 Deputy marshals, policemen, etc.** The mayor shall, when provided for by the council, and subject to its confirmation, appoint all deputy marshals, policemen, night watchmen, and special policemen. All such officers shall continue in office until removed therefrom for the cause and in the manner provided by section 16.6.

No person shall receive an appointment under this section after January 1, 1970, unless he has, not more than sixty days prior to receiving such appointment, passed a physical examination, given by a licensed physician, showing that he meets the physical requirements necessary to perform the duties of the position to which he is to be appointed as established by the legislative authority of the village. The appointing authority shall, prior to making any such appointment, file with the police and firemen's disability and pension fund a copy of the report of findings of said licensed physician. The professional fee for such physical examination shall be paid for by the legislative authority. (RC § 737.16)

**Sec. 16.6 Probationary period; final appointment.** Any appointments made shall be for a probationary period of six months' continuous service, and no appointments shall be deemed finally made until the appointee has satisfactorily served his probationary period. At the end of the probationary period the mayor shall transmit to council a record of such employee's service with his recommendations thereon; and with the concurrence of the council the mayor may remove or finally appoint the employee, as the case may be. (RC § 737.17)

When the mayor has reason to believe a duly appointed marshal, deputy marshal, policeman, night watchman or special policeman of the village has been guilty of incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, or nonfeasance in the performance of his official duty, he shall file with the council written charges against such person setting forth in detail the

reason therefor and immediately serve a true copy thereof upon the person against whom they are made.

Charges filed under this section shall be heard at the next regular meeting of the council occurring not less than five days after the date such charges have been served on the person against whom they are made. The person against whom such charges are filed may appear in person and by counsel at such hearing, examine all witnesses, and answer all charges against him.

At the conclusion of the hearing, the council may dismiss the charges, suspend the accused from office for not more than sixty days, or remove the accused from office.

Action of the council removing or suspending the accused from office shall require the affirmative vote of two-thirds of all members elected thereto.

In the case of removal from office the person so removed may appeal on questions of law and fact the decision of the council to the court of common pleas. Such appeal shall be taken within ten days from the date of the finding of the council. (RC § 737.17.1)

**Sec. 16.8 General powers.** The marshal shall be the peace officer of the village and the executive head, under the mayor, of the police force. The marshal, the deputy marshals, policemen or nightwatchmen under him shall have the powers conferred by law upon police officers in all villages of the state, and such other powers not inconsistent with the nature of their offices as are conferred by ordinance. (RC § 737.18)

**Sec. 16.10 Duties to suppress riots and make arrests.** He shall suppress all riots, disturbances and breaches of the peace and to that end may call upon the citizens to aid him. He shall arrest all disorderly persons in the corporation and pursue and arrest any person fleeing from justice in any part of the state. He shall arrest any person in the act of committing any offense against the laws of the state or the ordinances of the corporation, and forthwith bring such person before the mayor or other competent authority for examination or trial, and he shall receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states. (RC § 737.19)

**Sec. 16.12 Powers of marshal; fees.** In the discharge of his proper duties, the marshal shall have like powers and be subject to like responsibilities as constables and for services actually performed by himself or his deputies, there shall be taxed the same fees and expenses as are allowed constables. (RC § 737.19)

**Sec. 16.14 Disposition of fines and penalties.** All fees, costs, fines and penalties by him collected shall immediately be paid to the mayor, and he shall report to the council monthly the amount thereof, whence and for what purpose collected, and when paid over. (RC § 737.20)

**Sec. 16.16 Property recovered by police.** Stolen or other property recovered by members of the police force shall be deposited and kept in a place designated by the mayor. Each such article shall be entered in a book kept for that purpose, with the name of the owner, if ascertained, and the person from whom taken, the place where found with general circumstances, the date of its receipt and the name of the officer recovering it. (RC § 737.29)

**Sec. 16.18 Inventory to person from whom taken.** An inventory of all money or other property shall be given to the party from whom taken, and in case it is not claimed by some person within thirty days after such arrest and seizure it shall, unless otherwise ordered by the court, be delivered to the person from whom taken, and to no other person, either attorney, agent, factor, or clerk, except by special order of the mayor. (RC § 737.29)

**Sec. 16.20 Disposition to claimant.** If within thirty days such money or property is claimed by any other person, it shall be retained by such custodian until after the discharge or conviction of the person from whom taken and so long as it may be required as evidence in any case in court. If such claimant establishes to the satisfaction of the mayor that he is the rightful owner, it shall be restored to him; otherwise, it shall be returned to the accused person, personally, and not to any attorney, agent, factor, or clerk of such accused person, except upon special order of the mayor after all liens and claims in favor of the municipality have first been discharged and satisfied. (RC § 737.31)

**Sec. 16.22 Sale of unclaimed property; disposition of proceeds.** Property, unclaimed for the period of ninety days, shall be sold by the chief of police of the municipal corporation, marshall of the village, or licensed auctioneer at public auction, after giving due notice thereof by advertisement, published once a week for three successive weeks in a newspaper of general circulation in the county. Provided, that any motor vehicle which has a value of less than two hundred dollars, except junk motor vehicles as defined and provided for in section 16.28, unclaimed for the period of thirty days, shall be sold by the

chief of police of the municipal corporation, marshal of the village, or licensed auctioneer at public auction, after giving due notice thereof by advertisement, published once a week for three successive weeks in a newspaper of general circulation in the county, and after complying with section 16.24. The proceeds shall be paid to the treasurer of the municipal corporation and be credited to the general fund. (RC § 737.32)

**Sec. 16.24 Title for unclaimed motor vehicles.** If any motor vehicle which has a value of less than two hundred dollars, except a junk motor vehicle as defined and provided for in section 16.28, is ordered into a place of storage by a law enforcement officer and remains unclaimed by the owner, or other person entitled to possession thereof, for thirty days, the custodian of such place of storage may obtain a certificate of title to any such motor vehicle in the name of such custodian in the manner provided in this section.

The custodian of such place of storage shall execute an affidavit that all of the requirements of this section necessary to authorize the issuance of a certificate of title for such motor vehicle have been met. Such affidavit shall set forth the value of such motor vehicle when impounded, which value shall be determined in accordance with standards fixed by the registrar of motor vehicles; the official capacity of the law enforcement officer who ordered such motor vehicle into the place of storage; the length of time which such motor vehicle has remained unclaimed; that the titled owner, if known, has been sent a notice by certified mail, with return receipt requested to his last known address; and that a search of the records of the bureau of motor vehicles has been made for outstanding liens on such motor vehicle.

No such affidavit shall be executed or filed until after a search of the records of the bureau of motor vehicles has been made, that the titled owner, if known, has been sent a notice by certified mail, return receipt requested, and if the search reveals any outstanding lien on such motor vehicle, the custodian of such motor vehicle shall send notice to the mortgagee or lienholder stating where the motor vehicle is impounded, the value of the vehicle, and naming the law enforcement agency which ordered the impounding of the motor vehicle. Unless such mortgagee or lienholder shall claim such motor vehicle within fifteen days after the mailing of such notice his mortgage or lien shall be invalid.

Upon presentation by the custodian of the place of storage of such an affidavit, showing compliance with all requirements of this section to the clerk of courts of the county in which such place of storage is located, the clerk of courts shall issue a cer-

tificate of title, free and clear of all liens and encumbrances, to the custodian of such place of storage.

No person shall execute or present the affidavit required by this section, knowing such affidavit to be false. (RC § 737.33.1)

**Sec. 16.26 Impounding of motor vehicle; owner may reclaim.**

A law enforcement officer, upon complaint of any person adversely affected, may order into storage any motor vehicle which has been left on private property for more than seventy-two hours without the permission of the person having the right to possession of the property upon which the motor vehicle was left. The place of storage shall be designated by the mayor.

The owner of such motor vehicle may reclaim possession of the motor vehicle upon payment of the expenses or charges incurred in such removal and storage. If such motor vehicle remains unclaimed by the owner for thirty days, sections 737.32 to 737.331, inclusive, of the Revised Code (16.22 and 16.24 herein) shall be applicable, provided that a junk motor vehicle, as defined in section 16.28, shall be disposed of in the manner provided by section 16.28. (RC § 737.311)

**Sec. 16.28** Junk vehicles; procedure for disposal. For purposes of this section, "junk motor vehicle" means any motor vehicle which is in wrecked or worn-out condition and unfit for operation as a motor vehicle.

If a motor vehicle which has been ordered into storage pursuant to section 16.26 or other municipal ordinance is a junk motor vehicle as defined in this section, the custodian of the place of storage shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the owner and any lienholders of the vehicle, and, if known, shall send notice of the operation of this section to such owner or lienholders at their last known address by certified mail.

If the owner or lienholders make no claim to such junk motor vehicle within fifteen days of the mailing of such notice, the custodian of the place of storage shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk of courts shall issue a certificate of title, free and clear of all liens and encumbrances, to the custodian of the place of storage.

Upon receipt of the certificate of title, the custodian of the place of storage shall immediately dispose of the junk motor vehicle to a junk yard as defined in section 4737.05 of the Revised Code, or to any other facility as determined by a municipal ordinance relating to the disposition of such motor vehicles. (RC § 737.312)



## FIRE HAZARDS

**Sec. 18.30 Municipal fire regulations; fire department.** The legislative authority of a municipal corporation may establish all necessary regulations to guard against the occurrence of fires, protect the property and lives of its citizens against damage and accidents resulting therefrom, and for such purpose may establish and maintain a fire department, provide for the establishment and organization of fire engine and hose companies and rescue units, establish the hours of labor of the members of its fire department who shall not be required to be on duty continuously more than six days in every seven, and provide such bylaws and regulation for the government of such companies and their members as is necessary and proper. (RC § 737.21)

**Sec. 18.32 Fire inspection.** The fire chief or any deputy designated by him is hereby authorized and empowered, at any and all reasonable times and, upon complaint or information, shall be required to enter and inspect any premises, building or structure within the municipality with regard to the presence, arrangement or deposit of materials or matter which may constitute a fire hazard or create danger in case of fire. He is further authorized, empowered and required to inspect the condition, size, arrangement and efficiency of all appliances on or in such premises, for protection against fire.

**Sec. 18.34 Removal of inflammables or obstructions.** Any inflammable or combustible materials not arranged or stored in such a manner as to afford reasonable safety against the danger of fire, or any matter stored or arranged in such a manner as to impede or prevent access to, or exit from, said premises in case of fire, shall be ordered by the fire chief to be removed or rearranged in such manner as to eliminate any fire hazard. Such order shall be in writing and delivered to the owner, lessee or occupant of said premises.

Penalty, § 18.99

**Sec. 18.36 Protective appliances.** If the fire chief shall find upon inspection that the appliances mentioned in section 18.32 are wholly wanting or are inadequate in number, condition, size, arrangement or efficiency for the reasonable protection of said premises against fire, he shall cause an order in writing to be delivered to the owner, lessee, or occupant, requiring the installation, replacement or repair of appliances adequate for the reasonable protection of said premises in case of fire.

Penalty, § 18.99

**Sec. 18.38 Compliance with orders.** Such order or orders hereinbefore mentioned shall be directed to the owner, lessee, or occupant of such premises, building or structure, or to the person in control of the articles, material, goods, wares or merchandise herein referred to, or to the owner thereof, as the circumstances may require, and it is hereby made the duty of such owner, lessee or occupant of such premises, building or structure, and of such person in control of such articles, materials, goods, wares and merchandise, or the owner thereof, to comply with such order or orders with all reasonable dispatch and diligence. In the event such owner, lessee, or occupant shall fail or refuse to comply with any order made pursuant to sections 18.26 and 18.28, or in case of emergency, the matter therein referred to may be removed or rearranged by the fire department.

Penalty, § 18.99

**Sec. 18.40 Waste receptacles.** Waste paper, ashes, oil rags, waste rags, excelsior or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind, and proper fireproof receptacles shall be provided for such hazardous materials.

Penalty, § 18.99

**Sec. 18.42 Fires in streets.** It shall be unlawful for any person or persons to kindle, or cause to be kindled, any fire in or upon any of the streets, lanes, parks or any of the public places within the limits of said village, unless the same be confined within a proper and safe receptacle.

Penalty, § 18.99

**Sec. 18.99 Violations; penalty.** Any owner, lessee or occupant of such building, premises or structure, or any person in control of such articles, goods, wares or merchandise as hereinabove referred to, or the owner thereof, who shall violate any of the provisions of sections 18.34 to 18.42, inclusive, of this Code of Ordinances shall on conviction thereof be fined in any sum not exceeding fifty dollars, and shall be further fined five dollars for each day said violation shall continue.

Driving over fire hose prohibited, § 24.32 herein.

False fire alarm unlawful, § 60.18 herein.

Following fire apparatus too closely, § 24.10 herein.

Improper possession of or tampering with fire equipment, §§ 64.20, 64.22 herein.

## **TITLE VI: PUBLIC ORDER AND SAFETY**

### **Chapter**

- 20. TRAFFIC REGULATIONS I; SIGNS AND SIGNALS;  
VEHICULAR LIGHTS AND EQUIPMENT**
- 22. TRAFFIC REGULATIONS II; PASSENGERS AND  
OPERATORS**
- 24. TRAFFIC REGULATIONS III; TRAFFIC RULES**
- 26. TRAFFIC REGULATIONS IV; PARKING; MISCEL-  
LANEOUS**
- 28. STREETS, SIDEWALKS AND SEWERS**
- 30. ANIMALS**
- 32. INTOXICATING LIQUORS; NARCOTICS**
- 34. SANITATION AND HEALTH**
- 36. NUISANCES**
- 38. DANGEROUS WEAPONS, FIREWORKS AND EXPLO-  
SIVES**



## **CHAPTER 20: TRAFFIC REGULATIONS I; SIGNS AND SIGNALS; VEHICULAR LIGHTS AND EQUIPMENT**

### **Section**

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- 20.4 Scope.
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## WEIGHTS – MEASURES – EQUIPMENT

## Section

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- 20.116 Wheel protectors or flaps.
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**Sec. 20.2 Definitions.** Chapters 20 to 26 inclusive shall be known and cited as the Traffic Code. Where a section of the Traffic Code is followed by a reference to the Revised Code, such reference indicates that the section is analogous or similar to such Revised Code section. For the purposes of the Traffic Code the words and phrases defined hereunder shall have the meanings therein respectively ascribed to them.

**Alley** means a public street in the municipality which:

- (1) Is used primarily for the convenience of the owner of property abutting thereon and of the persons dealing with him;
- (2) Is abutted on both sides by property which is not customarily designated by an official property number; or
- (3) Has been declared an "alley" by council.

**Agricultural tractor** means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

**Bicycle** means a two-wheel vehicle propelled by human power, having a tandem arrangement of wheels equipped with tires either of which is over twenty inches in diameter.

**Bus** means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab, designed and used for the transportation of persons for compensation.

**Business district** means that territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

**Commercial tractor** means every motor vehicle having motive power designated or used for drawing other vehicles and not so constructed as to carry any load thereon, or designated or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both.

**Controlled-access highway** means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

**Crosswalk means:**

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

(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, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

**Driver or operator** means every person who drives or is in actual physical control of a vehicle.

**Emergency vehicle** means fire department, police, and state highway patrol vehicles, ambulances, vehicles of salvage corporations organized under RC §§ 1709.01 to 1709.07, inclusive, emergency vehicles of municipal or county departments or public utility corporations when identified as such as required by law, the state director of highways, or local authorities, motor vehicles when commandeered by a police officer, and motor vehicles

when used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the state director of highways.

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

**Expressway** means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all cross roads separated in grade.

**Flammable liquid** means any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

**Freeway** means a divided multi-lane highway for through traffic with all cross roads separated in grade and with full control of access.

**Funeral escort vehicle** means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

**Gross weight** means the weight of a vehicle plus the weight of any load thereon.

**Intersection** means the area, bounded by the lateral lines, real or projected, of two or more public streets or highways which meet or cross each other.

**Laned highway** means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

**Local authorities** means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.

**Motor vehicle** means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires except 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 public road or highway at a speed of twenty-five miles per hour, or less, threshing machinery, haybaling machinery, and agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural, and vegetable products.

**Motorcycle** means 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 bicycle," "motor scooter," "bicycle with motor attached," or "motorcycle" without regard to weight or brake horsepower.

**Pedestrian** means any natural person afoot.

**Person** means every natural person, firm, copartnership, association, or corporation.

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

**Police officer** means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

**Private road or driveway** means every way or place in private ownership used for vehicle travel by the owner and those having express or implied permission from the owner but not by other persons.

**Public safety vehicle** means ambulances, motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state, and the vehicles used by fire departments, including motor vehicles when used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the director of highway safety.

**Railroad** means a carrier of persons or property operating upon rails placed principally on a private right of way.

**Railroad sign or signal** means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

**Railroad train** means a steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

**Residence district** means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.

**Right of way** means the right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or he is moving in preference to another approaching from a different direction into its or his path.

**Roadway** means 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 such roadway separately but not all such roadways collectively.

**Safety zone** means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

**School bus** means every bus designed for carrying more than nine passengers which is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or school function.

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

**Sidewalk** means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

**State route** means every highway which is designated with an official state route number and so marked.

**Stop intersection** means any intersection at one or more entrances of which stop signs are erected.

**Street or highway** means 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.

**Through highway** means every highway or street as provided in section 4511.65 of the Revised Code of Ohio.

**Thruway** means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

**Traffic** means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys and other devices, either singly or together, while using any highway for purposes of travel.

**Traffic control devices** means all 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** means 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** means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a "semitrailer" and a vehicle of the dolly type, such as that commonly known as a "trailer dolly," and 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 public road or highway at a speed greater than twenty-five miles per hour.

**Truck** means every motor vehicle, except trailers and semitrailers, designed and used to carry property.

**Unlawful** means that every act or omission declared unlawful herein is an offense against the peace and dignity of the municipality and is punishable as provided in the Traffic Code.

**Urban district** means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices.

**Vehicle** means every device in, upon, or by which any person or property may be transported or drawn upon a highway, except devices moved by power collected from overhead trolley electric wires, or used exclusively upon stationary rails or tracks, and except devices other than bicycles moved by human power. (RC § 4511.01)

**Sec. 20.4 Scope.** The provisions of the Traffic Code are intended to apply to all traffic and to all operators not specifically excepted.

Every person riding, driving, or leading an animal or animals upon a roadway shall be subject to the provisions of the Traffic Code applicable to the driver of a vehicle, except those provisions of this act which by their nature can have no application.

All provisions relative to the operation, parking, or movement of vehicles or animals, and to the movement of pedestrians, apply upon all the public ways of the municipality, except as specifically limited.

The provisions of the Traffic Code shall in no way limit, alter or otherwise affect the civil or criminal responsibility of any person under the statutes, and particularly the uniform traffic act of the state of Ohio.

**Sec. 20.6 Buses, streetcars, trackless trolleys and their operators included.** Unless a section or provision of the Traffic Code regulating the maintenance, parking or operation of motor vehicles expressly or by required inference excludes such interpretation or application, such section or provision shall be deemed to include and apply to buses, streetcars and trackless trolleys, and shall be enforceable against the drivers and operators thereof.

**Sec. 20.8 Exceptions; emergency vehicles.** The provisions of the Traffic Code regulating the movement, parking and standing of vehicles shall not apply to an authorized emergency vehicle while the operator thereof is operating such vehicle in an emergency in the performance of his duties; provided, however, that the operator of such emergency vehicle, when driving against traffic or otherwise disregarding a driving regulation, shall have his vehicle under full control.

**Sec. 20.10 Speed limits; emergency vehicles.** The prima facie speed limitations set forth in section 24.2 shall not apply to emergency vehicles or public safety vehicles when responding to emergency calls and the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This provision shall not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (RC § 4511.24)

**Sec. 20.12 Emergency vehicle to use caution.** The driver of any emergency vehicle or public safety vehicle when responding to an emergency call upon approaching any stop sign or signal shall slow down if necessary for safety to traffic but may proceed cautiously past such stop sign or signal with due regard for the safety of all persons using the street or highway. (RC § 4511.03)

**Sec. 20.14 Vehicles engaged in construction on highway.** The provisions of the Traffic Code do not apply to persons,

teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

The drivers of snow plows, traffic line strippers, road sweepers, mowing machines, tar distributing vehicles, and other vehicles utilized in snow and ice removal or road surface maintenance, while engaged in work upon a highway, provided such vehicles are equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the vehicles are so engaged shall be exempt from criminal prosecution for violations of sections 24.8, 24.40, 24.48, 24.50, 24.52, 24.54, 24.58, 26.4, 26.66 of this code and section 4511.31 of the Revised Code. Such exemption shall not apply to such drivers when their vehicles are not so engaged. This section shall not exempt a driver of such equipment from civil liability arising from the violation of sections 24.8, 24.40, 24.48, 24.50, 24.52, 24.54, 24.58, 26.4, 26.66 of this code and section 4511.31 of the Revised Code. (RC § 4511.04)

## POWERS AND DUTIES OF POLICE OFFICERS

**Sec. 20.20 Traffic direction in emergencies.** Police officers shall whenever conditions require it direct traffic in accordance with the provisions of the Traffic Code. Police officers and members of the fire force are hereby authorized in the event of fire, or other emergency or in the safeguarding or expediting of traffic, to direct traffic otherwise than as said Code specifically provides. The direction of traffic may be by word or audible signal, by gesture or visible signal, or by any combination thereof.

**Sec. 20.22 Police officer's signal.** No person shall fail or refuse to comply with any lawful order, direction or signal of any police officer invested by law with authority to direct, control or regulate traffic.

No person shall operate a motor vehicle so as to willfully 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. (RC § 4511.02)

Penalty § 26.99

**Sec. 20.24 Resisting police officer.** Whoever resists, hinders, obstructs or abuses any police officer while attempting to arrest an offender under any of the provisions of the Traffic Code, or interferes in any way with any person charged under its provisions with the enforcement of the law relative to public highways, shall be fined not more than fifty dollars, nor less than ten dollars. (RC § 4511.78)



## SIGNS AND SIGNALS

**Sec. 20.30 Traffic signs or signals.** The mayor or other administrative officer charged with the control of traffic, unless the council shall direct otherwise, or the council by administrative order, is hereby empowered to place and maintain traffic control devices and parking meters, painted or otherwise marked safety zones, traffic and parking lanes, crosswalks for pedestrians, "No Parking," "No U Turn," "No Left Turn," "One Way" or "Stop" signs or signals or such other traffic signs, signals or standards as he or it may deem necessary for the proper control of traffic or the parking of vehicles.

**Sec. 20.32 Disobedience to signs or signals.** It shall be unlawful to disobey the directions of any traffic sign, signal or control device placed in accordance with the provisions of the Traffic Code, unless otherwise directed by a police officer. (RC § 4511.12)

Penalty § 26.99

**Sec. 20.34 Defacing signs or signals.** No person shall without lawful authority attempt to, or wilfully alter, deface, injure, knock down, or remove any traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof. This shall be so construed as to include the driving upon or over any freshly painted center line, lane line, letter, number or symbol on the surface of a roadway while the paint is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it. (RC § 4511.17)

Penalty § 26.99

**Sec. 20.36 Traffic control signals.** (a) Whenever traffic is controlled by traffic control signals exhibiting different illuminated colored lights, or controlled with illuminated arrows, the following colors only shall be used and the terms and lights shall indicate and apply to operators of vehicles, and pedestrians as follows:

(1) Circular green alone or "go" signal:

(A) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk unless directed otherwise by a pedestrian signal or a traffic control device.

(B) All other traffic facing the signal except as provided under section 24.72 may proceed straight through or turn right or left, unless a sign at such place prohibits such turn. But such traffic shall yield the right of way to vehicles, lawfully within the intersection and to pedestrians lawfully within a crosswalk at the time such signal is exhibited.

(2) Circular yellow alone or "caution" when shown following the green or "go" signal:

(A) No pedestrian facing such signal shall enter the roadway.

(B) All other traffic facing the signal is warned that the red or "stop" signal will be exhibited immediately thereafter, and that pedestrians proceeding in accordance with the traffic control signals shall have the right of way.

(3) Circular red alone or "stop" signal:

(A) No pedestrian facing such signal shall enter the roadway.

(B) All other traffic facing the signal shall stop before entering the intersection and shall remain standing until authorized to proceed by a traffic control device.

(4) Green arrow signal or a traffic control device authorizing turn with red or "stop" signal:

(A) No pedestrian facing such signal or device shall enter the roadway.

(B) All other traffic facing such signal or device may cautiously enter the intersection only to make the movement indicated by the green arrow or device, and shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(5) Green arrow signal alone:

(A) Pedestrians facing a vertical green arrow signal may proceed across the roadway within any marked or unmarked crosswalk unless directed otherwise by a pedestrian signal or a traffic control device.

(B) All other traffic facing such signal may enter the intersection to make the movement indicated by such arrow, but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(6) Where more than one traffic control signal or device is shown simultaneously, vehicular traffic shall comply with the traffic control signal or device applicable to the traffic lane and direction in which it is proceeding or about to proceed.

(7) Any traffic lawfully upon the roadway within an intersection at the time a traffic control signal changes may continue cautiously through the intersection with due regard for the safety and rights of all persons using the roadway.



(b) Whenever it is necessary to indicate and control the direction of travel in a traffic lane or lanes of a street or highway for the purpose of reversing the direction of traffic in the lane, rectangular signal units shall be placed over each reversible lane and shall apply to operators of vehicles and trackless trolleys as follows:

(1) Rectangular signal unit with downward pointing illuminated green arrow.

Traffic facing such signal may travel in the lane over which the green arrow is shown.

(2) Rectangular signal unit with an illuminated red "X".

Traffic facing such signal shall not enter or travel in any lane over which the "X" signal is shown. (RC §§ 4511.13, 4511.13.1)

Hand and arm signals, § 24.66 herein.

Penalty § 26.99

**Sec. 20.38 Pedestrian control signals.** Whenever special pedestrian-control signals exhibiting the words "walk," "don't walk" or "wait" are in place such signals shall indicate as follows:

(a) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operators of all vehicles.

(b) Don't walk or Wait. No pedestrian shall start to cross the roadway in the direction of such signal. (RC § 4511.14)

Penalty § 26.99

**Sec. 20.40 Flashing traffic signals.** Whenever flashing red or yellow traffic signals are used they shall require obedience as follows:

1. Flashing red (stop signal). Operators of vehicles, trackless trolleys and streetcars shall stop before entering the intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). Operators of vehicles may proceed through the intersection or past such signal only with caution. (RC § 4511.15)

Penalty § 26.99

**Sec. 20.42 Unofficial signs or signals unlawful.** It shall be unlawful to place or maintain or to display upon or in view of any highway, street or alley, any unofficial sign, signal or device which purports to be, or is an imitation of, or resembles a traffic sign or signal, or which attempts to direct parking of vehicles or the movement of traffic, or which hides from view any traffic sign or signal. Every such prohibited sign, signal or device is hereby declared to be a public nuisance, and the mayor or other administrative officer charged with the control of traffic or any police officer is hereby empowered to cause it to be removed without notice.

Penalty § 26.99

**Sec. 20.44 Defense to sign or signal violation.** No provision of the Traffic Code requiring signs shall be enforceable against an alleged violator who has not caused the sign or signal to be removed or defaced, if, at the time and place of the alleged violation, the sign or signal required is not in proper position and sufficiently clear to be recognized by an ordinarily observant person. The provision of any section concerning which it is not stated that signs are required, shall be effective without them.

## REGULATIONS AS TO VEHICULAR LIGHTS

**Sec. 20.50 Lighted lights required.** (a) Every vehicle upon a street or highway within this municipality during the time from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the highway at a distance of five hundred feet ahead, shall display lighted lights and illuminating devices as required by sections 20.50 to 20.69, inclusive, for different classes of vehicles. 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 such sections 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, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

(c) Whenever in such sections 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. (RC § 4513.03)

**Sec. 20.52 Headlights.** (a) Every motor vehicle, other than motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle or trackless trolley.

(b) Every motorcycle shall be equipped with at least one and not more than two headlights. (RC § 4513.04)

**Sec. 20.54 Tail lights.** (a) Every motor vehicle, trailer, semi-trailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the tail light on the rearmost vehicle need be visible from the distance specified.

(b) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty feet to the rear. Any tail light, together with any separate light for illuminating the

rear registration plate, shall be so wired as to be lighted whenever the head lights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate. (RC § 4513.05)

**Sec. 20.56 Red reflectors required.** (a) Every new motor vehicle sold after September 6, 1941, and operated on a street or highway, other than a commercial tractor, to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lamps or separately, two red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in section 20.58 shall be equipped with reflectors as required by the regulations provided for in said section.

(b) Every such reflector shall be of such size and characteristics and so maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle. (RC § 4513.06)

**Sec. 20.58 Lighting commercial vehicles.** (a) The state director of highway safety shall pursuant to RC 4513.07 prescribe and promulgate regulations relating to clearance lights, marker lights, reflectors, and stop lights on buses, trackless trolleys, trucks, commercial tractors, trailers, semitrailers, and pole trailers when operated upon any highway, and such vehicles shall be equipped as required by such regulations, and such equipment shall be lighted at all times mentioned in section 20.50, except that clearance lights and side marker lights need not be lighted on any such vehicle when it is operated within the city where there is sufficient light to reveal any person or substantial object on the highway at a distance of five hundred feet.

(b) Such equipment shall be in addition to all other lights specifically required by sections 20.50 to 20.69, inclusive.

(c) Vehicles operated under the jurisdiction of the public utilities commission are not subject to this section. (RC § 4513.07)

**Sec. 20.60 Obscured lights on vehicles.** Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (RC § 4513.08)

**Sec. 20.61 Red flag or light required.** Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 20.50, a red light or lantern plainly visible from a distance of at least five hundred 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 sixteen inches square. (RC § 4513.09)

**Sec. 20.62 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 section 20.50, 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 five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within the city where there is sufficient light to reveal any person or substantial object within a distance of five hundred feet upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed. (RC 4513.10)

**Sec. 20.63 Lights on slow moving vehicles.** (a) All vehicles, including those in 20.50 to 20.62 not specifically required to be equipped with lights by sections 20.50 to 20.62, inclusive, shall, at the time and under the circumstances specified in section 20.50, display at least one lighted light or lantern exhibiting a white light visible from a distance of approximately five hundred feet to the front of such vehicle and a light or lantern exhibiting a red light visible from a distance of approximately five hundred feet to the rear.

(b) All farm machinery and other machinery, including all road construction machinery upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagman, or where flares are used, or when operating or traveling within the limits of a construction area designated by the state director of highways, municipal engineer, or the county engineer, when such construction area is marked in accordance with requirements of the state director of highways and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Revised Code, which is designed for operation at a speed of twenty-five miles an hour

or less shall be operated at a speed not exceeding 25 miles per hour and shall display a triangular slow-moving vehicle emblem (SMV) approved by the state director of highway safety during the time and under the circumstances specified in section 20.50. Such emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear.

(c) The use of this emblem shall be restricted to the slow-moving vehicles specified in divisions (b) and (f) of this section operating or traveling within the limits of the highway. Its use on slow moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) No person shall sell, lease, rent, or operate any slow-moving vehicle, as defined in division (b) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless such vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (b) of this section.

(e) In addition to the use of the slow-moving vehicle emblem as specified in division (b) of this section it is permissible to display on the rear of these vehicles a red flashing light which shall be visible from a distance of not less than five hundred feet to the rear during the time and under circumstances specified in section 20.50. It shall be a light approved by the state director of highway safety. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

(f) Animal-drawn vehicles which normally travel or are normally used at a speed of less than twenty miles an hour shall either comply with division (b) of this section when upon a street or highway or display on the rear thereof devices consisting of reflector materials and a lantern, or a red flashing light, either of which shall be visible from a distance of not less than five hundred feet to the rear during the time and under the circumstances specified in section 20.50. The red flashing light, or reflector devices and lantern shall be approved by the state director of highway safety. (RC § 4513.11)

**Sec. 20.64 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 one hundred 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 state director of highway safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to said specifications and regulations shall not be used. (RC § 4513.12)

**Sec. 20.65 Cowl, fender and back up lights.** (a) Any motor vehicle may be equipped with side cowl or fender lights which shall emit a white or amber light without glare.

(b) Any motor vehicle may be equipped with lights on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with back up lights, either separately or in combination with another light. No back up lights shall be continuously lighted when the motor vehicle is in forward motion. (RC § 4513.13)

**Sec. 20.66 Two lights displayed.** (a) At all times mentioned in section 20.50 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 state director of highway safety shall prescribe and promulgate regulations relating to the design and use of such lights, and all vehicles shall comply therewith. (RC § 4513.14)

(c) Any motor vehicle may be operated under the conditions specified in section 20.50 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead, in lieu of lights required in paragraphs (a) and (b); provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour. (RC § 4513.16)

**Sec. 20.67 Headlights required.** (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 20.50, 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:

(1) 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.

(2) 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. Said indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle. (RC § 4513.15)

**Sec. 20.68 Number of lights permitted; red and flashing lights.** (a) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when said vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, which projects a beam of light of an intensity greater than three hundred candle power shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to the use of a flashing, oscillating, or rotating amber light on emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, state highway survey vehicles, funeral escort vehicles, and similar equipment operated by the department or local authorities, nor to vehicles or machinery permitted by section 4513.11 of the Revised Code to have a flashing red light.

(d) Except a person operating a public safety vehicle, as defined in division (e) of section 4511.01 of the Revised Code, or a school bus, no person shall operate or move upon any public street or highway any vehicle or equipment which has a flashing red or a flashing combination red and white light, or any vehicle or equipment which has an oscillating or rotating red light or a combination red and white oscillating or rotating light. This section shall not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles. (RC § 4513.17)



**Sec. 20.69 Lights must be properly focused.** No person shall use any lights mentioned in sections 20.52 to 20.68, inclusive, upon any motor vehicle, trailer or semitrailer unless said lights are equipped, mounted and adjusted as to focus and aim in accordance with regulations which are prescribed by the state director of highway safety. (RC § 4513.19)

### WEIGHTS – MEASURES – EQUIPMENT

**Sec. 20.70 Maximum axle load, wheel load, gross weights.** No vehicle, trackless trolley, load, object, or structure having a maximum axle load greater than sixteen thousand pounds when such vehicle is equipped with solid rubber tires, or greater than nineteen thousand pounds when such vehicle is equipped with pneumatic tires, shall be operated or moved upon improved public highways, streets, bridges, or culverts. The maximum wheel load of any one wheel of any such vehicle shall not exceed six hundred fifty pounds per inch width of tire, measured as prescribed by section 5577.03 of the Revised Code, nor shall any solid tire of rubber or other resilient material, on any wheel of any such vehicle, be less than one inch thick when measured from the top of the flanges of the tire channel.

The weight of vehicle and load imposed upon the road surface by any two successive axles, spaced four feet or less apart, shall not exceed nineteen thousand pounds for solid tires, nor twenty-four thousand pounds for pneumatic tires; or by any two successive axles, spaced more than four feet but less than eight feet apart, shall not exceed twenty-four thousand pounds for solid tires, nor thirty-two thousand pounds for pneumatic tires; or by any two successive axles, spaced eight feet or more apart, shall not exceed twenty-eight thousand pounds for solid tires, nor thirty-eight thousand pounds for pneumatic tires; nor shall the total weight of vehicle and load exceed, for solid rubber tires, twenty-eight thousand pounds plus an additional six hundred pounds for each foot or fraction thereof of spacing between the front axle and the rearmost axle of the vehicle, nor exceed thirty-eight thousand pounds plus an additional nine hundred pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle for pneumatic tires; nor shall the weight of vehicle and load imposed upon the road surface by any vehicle exceed seventy-eight thousand pounds of pneumatic tires; nor shall such weight of vehicle and load exceed, for solid tires, eighty per cent of the permissible weight of vehicle and load, as provided for pneumatic tires. Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles

to a distance not in excess of twelve feet and six inches. If the provisions of this section should be held to exceed the weight limitations or provisions set forth in the Federal-Aid Highway Act of 1956, this section shall become null and void to the extent of such inconsistency. (RC § 5577.04)

Penalty, § 26.99

**Sec. 20.72 Maximum width, height, and length.** No vehicle shall be operated upon the public highways, streets, bridges, and culverts within this municipality, whose dimensions exceed those specified in this section:

(A) No such vehicle shall have a width in excess of:

(1) One hundred four inches for passenger bus type vehicles operated exclusively within municipal corporations;

(2) One hundred thirty-two inches for traction engines;

(3) Ninety-six inches, including load, for all other vehicles.

(B) No such vehicle shall have a length in excess of:

(1) Forty-eight feet for passenger bus type vehicles operated exclusively within municipal corporations;

(2) Forty feet for passenger bus type vehicles with three or more axles;

(3) Forty feet for the semitrailer of a commercial tractor and semitrailer combination;

(4) Fifty-five feet for the overall length of a commercial tractor and semitrailer combination, with or without load;

(5) Sixty feet for any other combination of vehicles coupled together, with or without load;

(6) Thirty-five feet for all other vehicles.

(C) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

The length as prescribed by division (B) (3) of this section, shall be the extreme overall length of such semitrailer and shall not include load thereon, safety devices, refrigeration or heating devices attached to the front of such semitrailer or safety devices attached to the front of such semitrailer or safety devices or bumpers attached to the rear of such semitrailer. In special cases vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules and regulations promulgated by the state director of highways.

This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or salvage company organized under the laws of this state or used by such department or company in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles,

nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery, or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, shall when operating the same on the highways and streets of this state comply with the rules and regulations which the state director of highways may adopt and promulgate.

This section does not require the state, a municipal corporation, county, township, or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in this state. (RC § 5577.05)

Penalty, § 26.99

**Sec. 20.74 Inspection as to unlawful load.** Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of said vehicle to stop and submit to a weighing of it in accordance with the provisions of RC § 4513.33.

**Sec. 20.76 Special weight and tire restrictions designated by traffic sign.** Whenever in the judgment of the mayor or other administrative officer charged with the control of traffic, any highway or part thereof would be injured or damaged by general use by vehicles having solid tires or by vehicles exceeding in gross weight or in weight per inch of tire width the limits which he shall determine to be safe for such highway or part thereof, he shall erect appropriate traffic signs prohibiting the operation of vehicles having solid tires, or indicating and designating such weight limits, and it shall be unlawful to operate over any such highway or part thereof any vehicle having solid tires or exceeding such weight limits, without securing a permit thereunto as provided in section 20.78.

**Sec. 20.78 Excess load; moving permit.** (a) The mayor, or other administrative officer charged with the control of traffic, may, under the provisions of RC § 4513.34, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.07, inclusive, of the Revised Code or otherwise not in conformity with the provisions of the Traffic Code upon any highway.

**Sec. 20.80 Roadworthiness of vehicles.** No person shall drive or move or cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person. (RC § 4513.02)

Penalty, § 26.99

**Sec. 20.82 Brakes.** The following requirements govern as to brake equipment on vehicles:

(1) Every trackless trolley and motor vehicle, other than a motorcycle, when operated upon a street or highway shall be equipped with brakes adequate to control the movement of and to stop and hold such trackless trolley or motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply to brakes to at least two wheels.

(2) Every motorcycle, and bicycle with motor attached, when operated upon a street or highway shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

(3) Every trailer or semitrailer, except a pole trailer, of a gross weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942, when operated upon the streets

or highways shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied.

(4) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively may be employed.

(5) Every vehicle and combination of vehicles, except motorcycles and motor-driven cycles, and except trailers and semitrailers of a gross weight of less than two thousand pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(6) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(7) Every trackless trolley, motor vehicle, or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

(A) Trackless trolleys, vehicles, or combinations of vehicles having brakes on all wheels shall come to a stop in thirty feet or less from a speed of twenty miles per hour.

(B) Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in forty feet or less from a speed of twenty miles per hour.

(8) All brakes shall be maintained in good working order and shall be adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the trackless trolley or vehicle. (RC § 4513.20)

Penalty, § 26.99

**Sec. 20.84 Rear vision mirror.** 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. Operators of such vehicles shall have a clear and unobstructed view to the front and to both sides of their vehicles, and shall have a clear view to the rear of their vehicles by mirror. (RC § 4513.23)

Penalty, § 26.99

**Sec. 20.86 Windshield wiper.** 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. (RC § 4513.24)

Penalty, § 26.99

**Sec. 20.88 Blurred windshield.** It shall be unlawful to operate or to have upon any roadway, any vehicle in which the operator's view through the windshield of any window is obstructed, due to the glass being dirty, cracked, blurred, or otherwise non-transparent.

Penalty, § 26.99

**Sec. 20.90 Signs on windshield and window prohibited.** No person shall drive any motor vehicle, other than a bus, with any sign, poster or other non-transparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law except that there may be in the lower right hand corner of the windshield a sign or poster not to exceed four inches in height by six inches in width, nor shall any glass be replaced with an opaque or non-transparent substance. (RC § 4513.24)

Penalty, § 26.99



**Sec. 20.92 Muffler.** Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler 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. (RC § 4513.22)

Penalty, § 26.99

**Sec. 20.94 Smoke screen device.** 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 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. (RC § 4513.22)

Penalty, § 26.99

**Sec. 20.96 Horns, sirens and warning devices.** (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet.

(b) No motor vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subdivision. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it can not 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 five hundred feet and of a type approved by the director, but such equipment shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound such equipment when necessary to warn pedestrians and other drivers of the approach thereof. (RC § 4513.21)

Penalty, § 26.99

**Sec. 20.98 Bells on bicycles.** No person shall ride a bicycle unless it is equipped with a bell or other device capable of giv-

ing an audible signal, except that no bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. (RC § 4511.56)

Penalty, § 26.99

**Sec. 20.100 Unnecessary noises.** It shall be unlawful to sound any signaling device except when reasonably necessary for the prevention of an accident.

Penalty, § 26.99

**Sec. 20.102 Zones of quiet.** The mayor may designate zones of quiet upon any highway within two hundred and fifty feet of any hospital or school, and when any such zone is so designated by official traffic signs, it shall be unlawful therein to blow a horn or a whistle or to make or cause any outcry or any avoidable noise or clamor likely to disturb persons within such zone.

Penalty, § 26.99

**Sec. 20.104 Projecting material; rear.** Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 20.50 hereof, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square. (RC § 4513.09)

Penalty, § 26.99

**Sec. 20.106 Projecting material; left side.** No passenger-type vehicle shall be operated on any highway with any load carried thereon extending more than six inches beyond the line of the fenders on the left side of such vehicle. (RC § 4513.30)

**Sec. 20.108 Load; sifting or leaking.** No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded 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 such roadway. (RC § 4513.31)

Penalty, § 26.99

**Sec. 20.110 Load; shifting.** In addition to any other requirements of load distribution, it shall be unlawful to operate any vehicle upon a highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.

Penalty, § 26.99

**Sec. 20.112 Explosives; transporting.** Any person operating any vehicle transporting explosives upon a highway shall at all times comply with the following requirements:

(a) Said vehicle shall be marked or placarded on each side and on the rear with the word "explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high, or shall be marked or placarded in accordance with section 177.823 of the United States Department of Transportation Regulations.

(b) Said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle.

(c) The director of highways may promulgate such regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highway as are reasonably necessary to enforce sections 4513.01 to 4513.37, inclusive, of the Revised Code. (RC § 4513.29)

Penalty, § 26.99

**Sec. 20.113 Warning flag on transporting vehicle.** Every vehicle while carrying explosives upon the public highway shall display upon an erect pole at the front end of such vehicle and at such height that it shall be visible from all directions, a red flag with the word "Danger" printed, stamped, or sewed thereon, in white letters at least three inches in height, or in lieu of such flag the words "Explosives, Dangerous," must be painted or attached to the ends and each side of such vehicle in white letters on proper background at least three inches in height, or

such vehicle shall be marked or placarded in accordance with section 177.823 of the United States Department of Transportation Regulations. No person in charge of a vehicle containing explosives shall:

- (A) Smoke in, upon, or near such vehicle;
- (B) Drive the vehicle while intoxicated;
- (C) Drive the vehicle in a careless or reckless manner;
- (D) Load or unload such vehicle in a reckless manner;
- (E) Make unnecessary stops.

No person shall place or carry or cause to be placed or carried any metal tool or other similar piece of metal in the bed or body of the vehicle containing explosives, unless contained in a box or other container approved by the department of industrial relations. No person shall place or carry, or cause to be placed or carried, in the bed or body of a vehicle containing explosives, any exploders, detonators, blasting caps, or other similar explosive material, or carry in or upon such vehicle any matches or any other flame-producing device. This section does not prohibit the transportation of explosives in motor-driven vehicles. (RC § 3743.15)

Penalty, § 26.99

**Sec. 20.114 Operator's view or control.** 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 sides of the vehicle or as to interfere with the driver's control of the vehicle. (RC § 4511.70)

Penalty, § 26.99

**Sec. 20.116 Wheel protectors or flaps.** No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer, or semi-trailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the public highways, streets, bridges, and culverts within this municipality, unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rear-most wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one fifth of the distance from the center of the rear-most axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires

they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction, or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle. (RC § 5577.11)

Penalty, § 26.99

**Sec. 20.118 Tires.** (a) It shall be unlawful to operate any vehicle upon the improved roadways, streets, and alleys of this municipality unless it has tires of rubber or of some equally resilient material except as provided in section 20.120 below.

(b) Every solid tire, as defined in section 4501.01 of the Revised Code, on a vehicle shall have rubber or other resilient material on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. (RC § 4513.25)

Penalty, § 26.99

**Sec. 20.120 Operating traction engines over improved roadways.** No person shall drive over the improved roadways, streets, or alleys of the village, a traction engine or tractor with tires or wheel equipped with ice picks, spuds, spikes, chains, or other projections of any kind extending beyond the cleats, or no person shall tow or in any way pull another vehicle over the improved roadways, streets or alleys of the village, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. (RC § 5589.08)

Penalty, § 26.99

## CHAPTER 22: TRAFFIC REGULATIONS II; PASSENGERS AND OPERATORS

### REGULATIONS AS TO PASSENGERS

#### Section

- 22.2 Passengers on motorcycles and bicycles.
- 22.4 Passengers on vehicles.
- 22.6 Clinging to moving vehicle.
- 22.8 Riding on outside of rear end of vehicle.
- 22.10 Boarding or leaving stopped vehicle.
- 22.12 Protective devices for motorcycle riders.

### REGULATIONS AS TO OPERATORS

- 22.20 Bicycles; regulations.
- 22.22 Driving under influence.
- 22.23 Implied consent.
- 22.24 Defects or infirmities in driver.
- 22.26 Reckless driving.
- 22.28 Permitting unlicensed minor to operate, unlawful.
- 22.30 Operating without license.
- 22.32 License plates required.
- 22.34 Improper plates.
- 22.36 Operating vehicle while under suspension.
- 22.38 Leaving scene of an accident.

### REGULATIONS AS TO PASSENGERS

**Sec. 22.2 Passengers on motorcycles and bicycles.** (a) 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 as above authorized.

(b) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (RC § 4511.53)

Penalty, § 26.99

**Sec. 22.4 Passengers on vehicles.** It shall be unlawful to board or alight from any moving vehicle or to ride upon any portion thereof not designed or intended for the use of passen-

gers when the vehicle is in motion, nor shall any operator knowingly permit the same to be done.

This provision shall not apply to an employee engaged in the necessary discharge of a duty, or riding within a truck body in space designed for merchandise.

Penalty, § 26.99

**Sec. 22.6 Clinging to moving vehicle.** No person riding upon any bicycle, motorcycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any other moving vehicle upon a roadway. (RC § 4511.54)

Penalty, § 26.99

**Sec. 22.8 Riding on outside of rear end of vehicle.** No person shall hang onto, or ride on the outside of the rear end of any vehicle moving upon a roadway. (RC § 4511.51)

Penalty, § 26.99

**Sec. 22.10 Boarding or leaving stopped vehicle.** It shall be unlawful to leave or enter a motor vehicle or to open a door thereof on the side next to moving traffic unless such movement can be made without danger or interference with such traffic.

Penalty, § 26.99

**Sec. 22.12 Protective devices for motorcycle riders.** No person shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, with the chin strap properly fastened, and using safety glasses or other protective eye device. Such helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the director of highway safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

Penalty, § 26.99

## REGULATIONS AS TO OPERATORS

**Sec. 22.20 Bicycles; regulations.** (a) It shall be unlawful to ride a bicycle on any sidewalk or at a distance of more than five feet from the curb or edge of the roadway except when passing another vehicle.

(b) Bicycles must be ridden only in the direction of vehicular travel. Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles. (RC § 4511.55)

Penalty, § 26.99

**Sec. 22.22 Driving under influence.** No person who is under the influence of alcohol or any drug abuse shall operate any vehicle. In any criminal prosecution for a violation of this section, the court may admit evidence on the concentration of alcohol in the defendant's blood at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance withdrawn within two hours of the time of such alleged violation. When a person submits to a blood test at the request of a police officer under section 4511.191 [4511.19.1] of the Revised Code, only a physician or a registered nurse shall withdraw blood for the purpose of determining the alcoholic content therein. This limitation does not apply to the taking of breath or urine specimens. Such bodily substance shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director of health pursuant to section 3701.143 [3701.14.3] of the Revised Code. Such evidence gives rise to the following:

(a) If there was at that time a concentration of less than fifteen hundredths of one per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(b) If there was at that time a concentration of fifteen hundredths of one per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of alcohol.

Upon the request of the person who was tested, the results of such test shall be made available to him, his attorney, or agent, immediately upon the completion of the test analysis.

The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a police officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a police officer. (RC § 4511.19)

Penalty, § 26.99

Drinking in motor vehicle, § 32.8

**Sec. 22.23 Implied consent.** (a) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to a chemical test or tests of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood if arrested for the offense of driving while under the influence of alcohol. The test or tests shall be administered at the direction of a police officer having reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways of this state while under the influence of alcohol. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered.

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn consent provided by division (a) of this section and the test or tests may be administered, subject to sections 313.11 to 313.16, inclusive, of the Revised Code.

(c) Any person under arrest for the offense of driving a motor vehicle while under the influence of alcohol shall be advised at a police station of the consequences of his refusal to submit to a chemical test designated by the law enforcement agency as provided in division (a) of this section. The advice shall be in a written form prescribed by the registrar of motor vehicles and shall be read to such person. The form shall contain a statement that the form was shown to the person under arrest and read to him in the presence of the arresting officer and one other police officer or civilian police employee. Such witnesses shall certify to this fact by signing the form.

(d) If a person under arrest for the offense of driving a motor vehicle while under the influence of alcohol refuses upon the request of a police officer to submit to a chemical test designated by the law enforcement agency as provided in division (a) of this section, after having been advised of the consequences of his refusal as provided in division (b) of this section, no chemical

test shall be given, but the registrar of motor vehicles, upon the receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving a motor vehicle upon the public highways of this state while under the influence of alcohol and that the person refused to submit to the test upon the request of the police officer and upon the receipt of the form as provided in division (c) of this section certifying that the arrested person was advised of the consequences of his refusal, shall revoke his license or permit to drive, or any nonresident operating privilege for a period of six months; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the registrar shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as provided in this section.

(e) Upon revoking the license or permit to drive or nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as provided in division (d) of this section, the registrar shall immediately notify the person in writing and upon his request afford him an opportunity for a hearing in the same manner and under the same conditions as is provided in section 4507.40 of the Revised Code for notification and hearings in the cases of discretionary suspension of licenses, except that the scope of such hearing for the purposes of this section shall cover the issues of whether a police officer had reasonable ground to believe the person had been driving a motor vehicle upon the public highways of this state while under the influence of alcohol, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer, and whether he was advised of the consequences of his refusal. The registrar shall order that the revocation or determination that there should be a denial of issuance be rescinded or sustained.

(f) If the revocation or determination that there should be a denial of issuance is sustained after such hearing, the person whose license or permit to drive or nonresident operating privilege has been revoked, or to whom a license or permit is denied, under this section, may file a petition in the municipal court or the county court, or in case such person is a minor in the juvenile court, to review the final order of revocation or denial by the registrar in the same manner and under the same conditions as is provided in section 4507.26 of the Revised Code in the cases of discretionary revocations and denials.

(g) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor



vehicle in this state has been revoked, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license. (RC § 4511.19.1)

**Sec. 22.24 Defects or infirmities in driver.** It shall be unlawful for any person who is subject to epilepsy, vertigo, or other infirmity of mind or body which would render him incapable of the safe operation of a vehicle, to operate the same. The foregoing provision shall not bar a person whose eyesight is defective from operating a vehicle, if his vision is brought to normal by a proper correction.

Penalty, § 26.99

**Sec. 22.26 Reckless driving.** (a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property. (RC § 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways without due regard for the safety of persons or property. This paragraph does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon. (RC § 4511.20.1)

Penalty, § 26.99

**Sec. 22.28 Permitting unlicensed minor to operate, unlawful.** No person shall cause or knowingly permit any minor under eighteen to drive a motor vehicle on a highway as an operator, unless such minor has first obtained a license or permit to drive a motor vehicle under sections 4507.01 to 4507.39, inclusive, of the Revised Code. (RC § 4507.31)

Permitting minor to operate, unlawful, RC § 4507.31.

Penalty, § 26.99

**Sec. 22.30 Operating without license.** No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless such person, upon application, has been licensed as an operator or chauffeur by the registrar of motor vehicles under sections 4507.01 to 4507.39, inclusive, of the Revised Code.

No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes

of vehicular travel or parking knowing such operator does not have a valid license, as an operator or chauffeur, issued to such operator by the registrar of motor vehicles under sections 4507.01 to 4507.39, inclusive, of the Revised Code.

No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motorcycle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless such person, upon application, has been licensed as a motorcycle operator by the registrar of motor vehicles under sections 4507.01 to 4507.39, inclusive, of the Revised Code. Such license shall be in the form of an endorsement, as determined by the registrar, upon an operator's or chauffeur's license, if the person has been licensed to operate a motor vehicle, or in the form of a restricted license as provided in section 4507.14 of the Revised Code, if the person has not been licensed to operate a motor vehicle.

No person shall receive an operator's or chauffeur's license, or a motorcycle operator's endorsement of an operator's or chauffeur's license, unless and until he surrenders to the registrar all valid licenses in his possession issued to him by another jurisdiction recognized by this state. All surrendered licenses shall be returned by the registrar to the issuing authority, together with information that a license is now issued in this state. No person shall be permitted to have in his possession more than one valid license at any time. (RC § 4507.02)

Permitting operation by another unlawful, RC § 4507.33.

Penalty, § 26.99

**Sec. 22.32 License plates required.** It shall be unlawful for any person to operate any vehicle upon which license plates are required to be displayed by law, unless the license plates legally registered and issued for such vehicle be so displayed thereon, securely fastened in a vertical position right side up, and not covered, obscured, or concealed by any part or accessory of such vehicle or by any other substance.

Penalty, § 26.99

**Sec. 22.34 Improper plates.** (a) It shall be unlawful to operate any vehicle upon which are displayed any license numbers for any period of time which has expired or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

(b) It shall be unlawful to operate any vehicle upon which are displayed any license numbers not legally registered and issued

for such vehicle, or upon which are displayed any license numbers that were issued on an application for registration that contained any false statements by the applicant.

Penalty, § 26.99

**Sec. 22.36 Operating vehicle while under suspension.** It shall be unlawful for any person who has been prohibited by a court from operating or driving motor vehicles to operate any motor vehicle during the period of such prohibition.

Penalty, § 26.99

**Sec. 22.38 Leaving scene of an accident.** (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 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 such accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in such accident or collision, or to any police officer at the scene of such accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in such accident or collision shall forthwith notify the nearest police authority 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 police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

If such 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 said unoccupied or unattended motor vehicle. (RC § 4549.02)

(b) 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 such 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 such motor vehicle, together with the registered number of such motor vehicle, and, if available, exhibit his operator's or chauffeur's license.

If the owner or person in charge of such damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall within twenty-four hours after such accident or collision, forward to the sheriff of the county in which such accident or collision occurred the same information required to be given to the owner or person in control of such damaged property and give the date, time, and location of the accident or collision. (RC § 4549.02.1)

## CHAPTER 24: TRAFFIC REGULATIONS III; TRAFFIC RULES

### Section

- 24.2 Speed.
- 24.4 Posted special speeds.
- 24.6 Speeding; drag racing prohibited.
- 24.8 Slow-moving vehicles.
- 24.10 Following fire or police vehicles.
- 24.12 Following vehicles too closely.
- 24.14 Right of way; emergency vehicles.
- 24.16 Right of way; funeral processions.
- 24.18 Pedestrians crossing highway.
- 24.20 Pedestrians to use sidewalks.
- 24.22 Right of way; pedestrians.
- 24.24 Right of way at intersections.
- 24.26 Right of way on entering through highway; stop signs; yield signs.
- 24.28 Emerging from alleys or driveways.
- 24.30 Starting.
- 24.32 Crossing fire hose.
- 24.34 Backing.
- 24.36 Towing disabled vehicle.
- 24.38 Through highways; stop streets.
- 24.40 Straddling traffic lanes.
- 24.42 Driving through safety zones.
- 24.44 Driving on sidewalk.
- 24.46 Driving on closed or posted highway.
- 24.48 Passing in opposite directions.
- 24.50 Overtaking and passing.
- 24.52 Overtaking and passing on the right.
- 24.54 Driving on left side of roadway.
- 24.56 Driving to left of center line.
- 24.58 Driving to left of center line prohibited, when.
- 24.60 Weaving.
- 24.62 Passing streetcar prohibited, when.
- 24.64 Passing vehicle stopped at crosswalk.
- 24.66 Passing on left of streetcar prohibited, when.
- 24.68 Changing course or speed of vehicle.
- 24.70 Hand and arm signals.
- 24.72 Turns, proper lane.
- 24.74 Left turns.
- 24.76 Turns in the congested district, etc.
- 24.78 Stop when traffic is obstructed.
- 24.80 Grade crossings; stopping at.
- 24.82 Grade crossings; driving across.
- 24.84 Obstruction of roads by railroads.

**Sec. 24.2 Speed.** (a) No person shall operate a motor vehicle in and upon the streets and highways at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and of any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

(b) It shall be prima facie lawful for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

The speed limit authorized by official sign if maintained at such location otherwise:

(1) Twenty miles per hour when passing a school building or the grounds thereof during school recess and while children are going to or leaving school during the opening or closing hours, and when appropriate signs giving notice of the existence of the school are erected; except, that on controlled-access highways and expressways, if the right of way line fence has been erected without pedestrian opening, the speed shall be governed by division (4) of this section and on freeways, if the right of way line fence has been erected without pedestrian opening, the speed shall be governed by division (7) of this section;

(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes, through highways outside business districts, and alleys;

(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (4) and (5) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;

(5) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima facie speed is established as further provided in this section;

(6) Fifteen miles per hour on all alleys within the municipal corporation;

(7) Sixty miles per hour at all times on freeways with paved shoulders inside municipal corporations except fifty miles per hour at all times for operators of trucks and commercial tractors weighing in excess of four thousand pounds empty weight and school buses.

(c) It shall be prima facie unlawful for any person to exceed any of the speed limitations prescribed in this or in the other sections of this Code. In every charge of violation of this section the affidavit and warrant shall specify the time, place, and the speed at which the defendant is alleged to have driven, and also the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation except that in

affidavits where a person is alleged to have driven at a greater speed than will permit him to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven. (RC § 4511.21)

Penalty, § 26.99

**Sec. 24.4 Posted special speeds.** Whenever the prima facie speed limitations in section 24.2 have been altered as provided under the Uniform Traffic Act of the State of Ohio and appropriate signs erected as required, operators of motor vehicles shall be governed by the speed limitations set forth by such signs.

Penalty, § 26.99

**Sec. 24.6 Speeding; drag racing 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 out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by section 24.2 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) of this section upon any public road, street, or highway in this municipality. (RC § 4511.25.1)

Penalty, § 26.99

**Sec. 24.8 Slow-moving vehicles.** 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 in compliance with law. (RC § 4511.22)

Penalty, § 26.99

**Sec. 24.10 Following fire or police vehicles.** The driver of any vehicle other than an emergency vehicle on official business shall not follow any emergency vehicle traveling in response to an alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped

in answer to a fire alarm unless directed so to do by a police officer or fireman.

It shall be unlawful for the operator of any vehicle to follow any police vehicle for the purpose of keeping such police vehicle or the police officers therein under surveillance. (RC § 4511.72)

Penalty, § 26.99

**Sec. 24.12 Following vehicles too closely.** The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway. (RC § 4511.34)

Penalty, § 26.99

**Sec. 24.14 Right of way; emergency vehicles.** (a) Upon the approach of an emergency or public safety vehicle, equipped with at least one flashing rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right edge or curb of the highway clear of any intersection and shall stop and remain in such position until the emergency or public safety vehicle has passed, except when otherwise directed by a police officer.

(b) Upon the approach of an emergency or public safety vehicle, as above stated, the operator of every streetcar or trackless trolley shall immediately stop such car clear of any intersection and keep it in such position until the emergency or public safety vehicle has passed, except when otherwise directed by a police officer.

(c) This section shall not operate to relieve the driver of an emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (RC § 4511.45)

Penalty, § 26.99

**Sec. 24.16 Right of way; funeral processions.** (a) As used in this section "funeral procession" means two or more vehicles accompanying a body of a deceased person in the daytime when each of such vehicles has its headlights lighted and is displaying a purple and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting emergency or public safety vehicles proceeding in accordance with section 24.14 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles,



street cars, and trackless trolleys shall yield the right of way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection the remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right of way provisions of the Revised Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted and without displaying a purple and white pennant in such a manner as to be clearly visible to traffic approaching from any direction. (RC § 4511.45.1)

Penalty, § 26.99

**Sec. 24.18 Pedestrians crossing highway.** (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 traffic operating lawfully 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. (RC § 4511.48)

Penalty, § 26.99

**Sec. 24.20 Pedestrians to use sidewalks.** (a) Where usable walks or paths parallel the street or highway, pedestrians shall not walk in, along or upon the vehicular traveled portion of such street or highway, except as provided in the Traffic Code.

(b) Where usable walks or paths are not provided parallel to the street or highway, pedestrians may walk along or upon the traveled portion of such street or highway and where practicable shall face the approaching traffic, and shall exercise due care to avoid approaching traffic.

(c) No pedestrian shall cross a roadway at a place other than a crosswalk except in cases where crosswalks are an unreasonable distance apart. (RC § 4511.50)

Penalty, § 26.99

**Sec. 24.22 Right of way; pedestrians.** It shall be the duty of the operator of any vehicle to yield the right of way to a pedestrian lawfully crossing the roadway within any crosswalk. (RC § 4511.46)

Penalty, § 26.99

**Sec. 24.24 Right of way at intersections.** The operator of a vehicle, shall yield the right of way at an intersection of two or more roads or highways which cross each other to a vehicle approaching from the right, except as provided in section 4511.43 of the Revised Code.

At an intersection at which one or more roads or highways meets but does not cross the others, the operator of a vehicle traveling on the dead-end road or highway shall yield the right of way to any vehicle traveling on the road or highway which crosses the intersection, unless otherwise directed by a traffic control device, or as provided in section 24.26. (RC § 4511.41)

Penalty, § 26.99

**Sec. 24.26 Right of way on entering through highway; stop signs; yield signs.** (a) The operator of a vehicle, intending to enter a through highway, shall yield the right of way to all other vehicles on said through highway, unless otherwise directed by a traffic control signal, or as provided in this section.

(b) The operator of a vehicle shall stop in obedience to a stop sign at an intersection and shall yield the right of way to all other vehicles not obliged to stop, or as provided in this section.

(c) The operator of a vehicle in obedience to a yield sign shall yield the right of way to all other vehicles or pedestrians approaching from a different direction into its or his path.

(d) The operator of a vehicle transferring from one traffic lane to another on entering a through highway from a ramp or entrance, shall not do so until the driver has first ascertained that such movement can be made with safety. (RC § 4511.43)

Penalty, § 26.99

**Sec. 24.28 Emerging from alleys or driveways.** The operator of a vehicle about to enter or cross a highway from a private road, driveway, alley or building shall stop and yield the right of way to all traffic approaching on said highway. (RC § 4511.44)

Penalty, § 26.99

**Sec. 24.30 Starting.** No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (RC § 4511.38)

Penalty, § 26.99

**Sec. 24.32 Crossing fire hose.** No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, without the consent of the fire department official in command. (RC § 4511.73)

Penalty, § 26.99

**Sec. 24.34 Backing.** (a) Before backing, operators of vehicles shall give ample warning and while backing shall exercise vigilance not to injure person or property on the street or highway.

(b) It shall be unlawful to back any vehicle for a greater distance than is necessary to reach the nearest curb or to clear an obstruction to traffic.

No person shall back a motor vehicle on a freeway; except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle. (RC § 4511.38)

Penalty, § 26.99

**Sec. 24.36 Towing disabled vehicle.** (a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists only of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(c) In addition to such drawbar or other connection, each trailer and each semi-trailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn, which chains and cables shall be sufficient size and strength to prevent parting from the drawing vehicle, should the drawbar or other connection break or become disengaged, provided, however, that in the case of a loaded pole trailer the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent parting from the drawing vehicle.

(d) Every trailer or semi-trailer, except pole and cable trailers and pole and cable dollies operated by a public utility as defined in section 5727.01 of the Revised Code, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. (RC § 4513.32)

Penalty, § 26.99

**Sec. 24.38 Through highways; stop streets.** (a) All state routes and all sections of streets and highways on which are operated streetcars, trackless trolleys or motor coaches for carrying passengers for hire along a fixed or regular route, are hereby designated as through highways provided that stop signs shall be erected at all intersections with such through highways by the department of highways, the mayor or the council; provided, however, that where two or more through highways intersect and no traffic control signal is in operation stop signs shall be erected at one or more entrances thereto by the department of highways, the mayor or the council, except as otherwise provided in this section.

(b) The mayor, or other administrative officer charged with the control of traffic, or the council may designate additional through highways and shall erect stop signs on all streets and highways intersecting such through highways, or may designate any intersection as a stop intersection and shall erect like signs at one or more entrances to such intersection.

(c) Every said sign shall bear the word "Stop" in letters not less than six inches in height. Every stop sign shall be located as near as practicable at the property line of the highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

(d) Every operator of a vehicle shall stop at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic-control signal.

(e) The operator of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected and shall yield the right of way to all other vehicles not so obligated to stop. (RC §§ 4511.43, 4511.65)

Penalty, § 26.99

**Sec. 24.40 Straddling traffic lanes.** Whenever any roadway has been divided into three or more clearly marked lanes for traffic, or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules, in addition to all others consistent herewith, shall apply:

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

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

(3) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign. (RC § 4511.33)

Penalty, § 26.99

**Sec. 24.42 Driving through safety zones.** No vehicle shall at any time be driven through or within a safety zone. (RC § 4511.60)

Penalty, § 26.99

**Sec. 24.44 Driving on sidewalk.** It shall be unlawful to drive a motor vehicle upon or across a sidewalk except at a permanent or temporary driveway.

Penalty, § 26.99

**Sec. 24.46 Driving on closed or posted highway.** It shall be unlawful to drive upon, along or across a street or highway or any part thereof which has been closed and posted with appropriate signs, while in the process of construction, reconstruction or repair, by the authority having jurisdiction to close such highway. (RC § 4511.71)

Penalty, § 26.99

**Sec. 24.48 Passing 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 one-half, or as nearly one-half of the main traveled portion of the roadway as is reasonably possible. (RC § 4511.26)

Penalty, § 26.99

**Sec. 24.50 Overtaking and passing.** The following rules govern the overtaking and passing of vehicles or trackless trolleys proceeding in the same direction:

(A) The operator of a vehicle or trackless trolley overtaking another vehicle or trackless trolley proceeding in the same direction shall, except as provided in division (C) of this section, signal to the vehicle or trackless trolley to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle or trackless trolley.

(B) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and he shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(C) The operator of a vehicle or trackless trolley overtaking and passing another vehicle or trackless trolley proceeding in the same direction on a divided highway as defined in section 4511.35 of the Revised Code, a limited access highway as defined in section 5511.02 of the Revised Code, or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle or trackless trolley being overtaken and passed. (RC § 4511.27)

Penalty, § 26.99

**Sec. 24.52 Overtaking and passing on the right.** (a) The operator of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

(b) The operator of a vehicle, unless otherwise directed by official sign or signal, may overtake, and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right of a roadway with unobstructed pavement of sufficient width whenever such roadway has been divided into four or more clearly marked lanes for moving traffic, or whenever traffic is moving in two or more substantially continuous lines in the same direction, provided such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right. (RC § 4511.28)

Penalty, § 26.99

**Sec. 24.54 Driving on left side of roadway.** Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction or when making a left turn under the rules governing such movements;

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

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

(4) Upon a roadway designated and sign-posted for one-way traffic, or

(5) When otherwise directed by a police officer or traffic-control device. (RC § 4511.25)

Penalty, § 26.99

**Sec. 24.56 Driving to left of center line.** No vehicle shall be driven to the left of the center or center line of the roadway in overtaking and passing traffic proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. (RC § 4511.29)

Penalty, § 26.99

**Sec. 24.58 Driving to left of center line prohibited; when.** No vehicle shall, in overtaking and passing traffic, or at any other time, be driven to the left of the center or center line of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching any bridge, viaduct, or tunnel;

(3) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing.

The foregoing limitations shall not apply upon a one-way roadway or upon a roadway where traffic is lawfully directed to be driven to the left side. (RC § 4511.30)

Penalty, § 26.99

**Sec. 24.60 Weaving.** It shall be unlawful to drive a vehicle upon any highway in a weaving or zig-zag course, unless such irregular course is made necessary by traffic exigencies.

Penalty, § 26.99

**Sec. 24.62 Passing streetcar prohibited; when.** The driver of a vehicle overtaking upon the right any streetcar stopped for the purpose of receiving or discharging any passenger shall stop



such vehicle at least five feet to the rear of the nearest running board or door of such streetcar and thereupon remain standing until all passengers have boarded such streetcar or upon alighting have reached a place of safety, except that where a safety zone has been established a vehicle need not be brought to a stop before passing any such streetcar, but may proceed past such streetcar at a speed not greater than is reasonable and proper and with due care for the safety of pedestrians. (RC § 4511.58)

Penalty, § 26.99

**Sec. 26.64 Passing vehicle stopped at crosswalk.** 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 operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (RC § 4511.46)

Penalty, § 26.99

**Sec. 24.66 Passing on left of streetcar prohibited; when.** (a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any streetcar proceeding in the same direction, whether such streetcar is actually in motion or temporarily at rest, except:

- (1) When so directed by a police officer or traffic control device;
- (2) When upon a one-way street;
- (3) When upon a street where the tracks are so located as to prevent compliance with this section; or
- (4) When authorized by local authorities.

(b) The driver of any vehicle when permitted to overtake and pass on the left of a streetcar which has stopped for the purpose of receiving or discharging any passenger shall accord pedestrians the right of way. (RC § 4511.57)

Penalty, § 26.99

**Sec. 24.68 Changing course or speed of vehicle.** (a) No person shall turn a vehicle from a direct course upon a highway unless and until such person shall have exercised due care to ascertain that such movement can be made with reasonable safety to other users of the highway and then only after giving a clearly audible signal by sounding the horn if any pedestrian



may be affected by such movement or after giving an appropriate signal in the event any traffic may be affected by such movement.

(b) A signal of intention to turn right or left shall be given in sufficient time in advance of the movement indicated to give ample warning to other users of the highway who would be affected by such movement.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the traffic immediately to the rear.

(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 or a mechanical signal device that clearly indicates to both approaching and following traffic intention to turn 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 or a mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles. (RC §4511.39)

Penalty, § 26.99

**Sec. 24.70 Hand and arm signals.** All signals herein required when given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn—hand and arm extended horizontally.
- (2) Right turn—hand and arm extended upward.
- (3) Stop or decrease speed—hand and arm extended downward.
- (4) Back—hand and arm extended with an up and down motion.
- (5) Move to another traffic lane—same signal as for a turn in that direction. (RC § 4511.40)

Traffic control signals, § 20.36 herein.

Penalty, § 26.99

**Sec. 24.72 Turns, proper lane.** The driver of a vehicle intending to turn at an intersection shall do so as follows:

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

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

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

(4) The operator of a trackless trolley shall comply with the foregoing provisions in this section wherever practicable.

(5) The department and local authorities in their respective jurisdictions 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, certain types of vehicles, streetcars or trackless trolleys, turning at an intersection, and when markers, buttons or signs are so placed no operator of a vehicle, streetcar or trackless trolley shall turn such vehicle, streetcar or trackless trolley at an intersection other than as directed and required by such markers, buttons or signs. (RC § 4511.36)

Penalty, § 26.99

**Sec. 24.74 Left turns.** The operator of a vehicle intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction. (RC § 4511.42)

Penalty, § 26.99

**Sec. 24.76 Turns in the congested district, etc.** (a) It shall be unlawful within the congested district to turn any vehicle so as to proceed in the opposite direction where a sign prohibits such movement.

## **CHAPTER 26: TRAFFIC REGULATIONS IV; PARKING; MISCELLANEOUS**

### **PARKING REGULATIONS**

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| 26.4           | Parking so as to create obstruction prohibited.   |
| 26.6           | Removal of obstructing vehicles.                  |
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| 26.10          | Unlawful display of vehicles.                     |
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## PARKING REGULATIONS

**Sec. 26.2 Stopping and parking.** No person shall stand or park a vehicle except when necessary to avoid conflict with other traffic or with the provisions of this Traffic Code, or in compliance with the directions of a police officer or a traffic-control device, in any of the following places:

1. On a sidewalk, except a bicycle;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within ten feet of a fire hydrant;
5. On a crosswalk;
6. Within twenty feet of a crosswalk at an intersection;
7. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal;
8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
9. Within fifty feet of the nearest rail of a railroad crossing;
10. Within twenty feet of a driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign-posted;
11. Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
12. Alongside any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where signs prohibit stopping;
15. Within one foot of another parked vehicle;
16. On the roadway portion of a freeway, expressway or thruway. (RC § 4511.68)

Penalty, § 26.99

**Sec. 26.4 Parking so as to create obstruction prohibited.** Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred feet in each direction upon such highway.

This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (RC § 4511.66)

Penalty, § 26.99

**Sec. 26.6 Removal of obstructing vehicles.** Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of this Code, such officer is hereby authorized to 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. (RC § 4511.67)

Penalty, § 26.99

**Sec. 26.8 Parking at curb.** (a) Except where angle parking is permitted by official signs or markings, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of such vehicle parallel with and not more than twelve inches from the right-hand curb unless it is impossible to approach so close to the curb and in such case the stop shall be as close to and as nearly parallel to the curb as possible.

(b) No vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

(c) Notwithstanding the provisions of the preceding sections or of any other state statute or of any rule, regulation, resolution or ordinance, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street or highway, may stop, stand or park where and as necessary in order to perform such work, provided a flagman is on duty or warning signs or lights are displayed as may be prescribed by the director of highways. (RC § 4511.69)

(d) On streets or highways where no curb exists, vehicles shall be stopped or parked with the right hand wheels of such vehicle parallel with and as near the right hand side of said roadway as practicable.

(e) The above provisions of this section shall apply on streets which have been designated for one-way traffic, except that on such streets parking is permitted on the left side of said streets unless forbidden by official signs or markings.

Penalty, § 26.99

**Sec. 26.10 Unlawful display of vehicles.** It shall be unlawful for any person to park upon a highway any vehicle displayed for sale, or to operate or to park on any highway any vehicle for the primary purpose of displaying advertising.

Penalty, § 26.99

**Sec. 26.12 Repairing of vehicles on highway unlawful.** It shall be unlawful upon any highway to repair, wash, polish or clean any vehicle; or to park any vehicle for the purpose of so doing. This section shall not be construed to prohibit the making of such necessary emergency repairs as will permit a vehicle to proceed.

Penalty, § 26.99

**Sec. 26.14 Conducting business from parked vehicle unlawful.** It shall be unlawful for the owner or operator of any vehicle to use such vehicle or permit the same to be used on the streets and public places of the municipality for the manufacture or repair of shoes, clothing, furniture, metal ware, tools or other articles of personal or household use.

Penalty, § 26.99

## MISCELLANEOUS PROVISIONS

**Sec. 26.40 Vehicles not permitted on roadway.** It shall be unlawful for any person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, to go upon any roadway other than the roadway of a play street, except while crossing a highway on a crosswalk.

Penalty, § 26.99

**Sec. 26.42 Driving animals on highway prohibited.** It shall be unlawful to drive or cause to be driven any drove of animals upon or through any highway or public ground unless a permit so to do has been first obtained from the mayor or director of public safety.

Penalty, § 26.99

**Sec. 26.44 Placing nails, tacks, glass or injurious material on highway prohibited.** (a) No person shall place or knowingly drop upon any part of a highway, lane, road, street or alley, any tacks, bottles, wire, glass, nails or other articles, except such substances that may be placed there by proper authority for the repair or construction thereof, which may damage or injure any person, vehicle, or animal traveling along or upon such highway.

(b) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person authorized to remove a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(d) No person shall place any obstruction in or upon a highway without proper authority. (RC § 4511.74)

Penalty, § 26.99

**Sec. 26.46 Impounding of vehicles.** Any police officer may impound any vehicle parked at a place where parking is prohibited, or which has been parked for more than one hour in excess of the time allowed for parking in any place, or which has been involved in two or more violations of traffic ordinances for which citation tags have been issued and not presented as required by section 26.60 et seq. Any person desiring to redeem

such impounded vehicle shall first pay to the clerk a service charge of ten dollars, and in addition thereto, shall pay a storage charge of one dollar per day for the time said impounded vehicle is in storage plus all towing charges incurred.

If the owner of an impounded automobile files with the mayor a statement under oath that he is unable to pay said charges, the mayor shall have the power to remit all or any part of the storage or impounding charge.

Sale of impounded vehicles, §§ 16.22, 16.24 herein.

**Sec. 26.47 Noisy muffler; tire peeling.** No person shall operate any motor vehicle, in such manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or the rubber tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling." (Ord. 244 passed 6-12-67)

Penalty, § 26.99

Cross reference see § 20.92.



**SCHOOL BUSES**

**Sec. 26.60 School bus inspection.** No person shall operate, nor shall any person, being the owner thereof or having supervisory responsibility thereof, permit the operation of, a school bus unless there is displayed thereon the decal issued by the state highway patrol under RC § 4511.761 and the identifying number required by RC § 4511.764.

Penalty, § 26.99

**Sec. 26.62 School bus not used for school purposes.** No person who is the owner of a school bus which is used or is to be used exclusively for purposes other than the transportation of children, shall operate such school bus or permit it to be operated unless such bus has been painted a color different from that prescribed for school buses by section 4511.77 of the Revised Code (§ 26.64 herein) and painted in such a way that the letters "stop" and "school bus" are obliterated. (RC § 4511.76.2)

Penalty, § 26.99

**Sec. 26.64 School bus marking.** No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus unless it is painted national school bus chrome number two and is marked on both front and rear with the words "school bus" in black lettering not less than eight inches in height and on the rear of the bus with the word "stop" in black lettering not less than ten inches in height. (RC § 4511.77)

Penalty, § 26.99

**Sec. 26.66 Operating school buses.** (a) The driver of a vehicle upon a highway within the limits of the city, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school child, shall stop the vehicle not less than ten feet from such school bus and shall not proceed until such school bus resumes motion, or until signaled by the driver to proceed.

(b) Where a highway has been divided into two roadways as set forth in section 4511.35 of the Ohio Revised Code, a driver of a vehicle proceeding on one roadway of said highway need not stop when approaching a school bus which has stopped on the other roadway of said highway for the purpose of receiving or discharging any school child. The driver of any vehicle proceeding on the same roadway of said highway as the school bus shall comply with division (a) of this section.

(c) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children on their residence side of the highway.

(d) No school bus driver shall start his bus until after any child who may have alighted therefrom has reached a place of safety on his residence side of the road. (RC § 4511.75)

## VIOLATIONS; PENALTIES

**Sec. 26.90 Owner presumed to have knowledge.** The violation of any section or provision of the Traffic Code by means of a motor vehicle shall be prima facie evidence that such violation was committed by or with the authority or permission of the owner of such vehicle.

**Sec. 26.92 Record of violations; abstract of record to bureau of motor vehicles.** (a) The mayor shall keep a full record of every case in which a person is charged with any violation of the Traffic Code or of any other law or ordinance regulating the operation of vehicles on highways.

(b) Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of the Traffic Code or other law or ordinance regulating the operation of vehicles on highways the mayor shall prepare and immediately forward to the bureau of motor vehicles an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by him to be true and correct.

(c) Said abstract must be made upon a form approved and furnished by the bureau of motor vehicles and shall include the name and address of the party charged, the number of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

(d) The failure, refusal or neglect of any such officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom. (RC § 4513.37)

**Sec. 26.94 Citation tags authorized.** The mayor is hereby authorized and directed to supply police officers with citation tags, for the purpose of giving notice to persons violating any provisions of the Traffic Code or of other laws or ordinances affecting the use of highways. Such notice may be given by delivering such tag to the violator, or by affixing it to the vehicle by means of which the violation occurred. Such citation tag shall direct the violator to appear and to present such tag at a designated office of the municipality or the county court at or before a date and hour specified thereon. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

**Sec. 26.96 Use of fictitious name after citation.** It shall be unlawful for any person charged with violating any of the provisions of the Traffic Code to present a citation tag or to file a written plea of guilty with the clerk of the mayor's court or mayor or with any other court under a name other than his correct and true name.

**Sec. 26.98 Citation tag; written plea of guilty.** (a) Any person who has received a citation tag notifying him of a violation of any provision of any of the sections of the Traffic Code set forth in this section and who, upon presenting such citation tag, files a written plea of guilty with the clerk of the court or mayor and deposits with him the amount of the penalty indicated in this section, shall be fined:

(1) For such violation of any provisions of sections:

20.22, 20.32, 20.36, 20.38, 20.72, 24.14, 24.16, 24.18, 24.22, 24.24, 24.26, 24.28, 24.32, 24.38; the cost of court plus twenty dollars.

(2) For such violation of any provisions of sections:

20.50, 20.52, 20.54, 20.56, 20.60, 20.80, 20.82, 20.84, 20.86, 20.88, 20.90, 20.92, 20.94, 20.96, 20.98, 20.100, 20.102, 20.104, 20.106, 20.108, 20.110, 20.114, 20.116, 20.118, 20.120, 22.2, 22.4, 22.6, 22.8, 22.10, 22.20, 24.8, 24.10, 24.12, 24.20, 24.30, 24.34, 24.36, 24.40, 24.42, 24.44, 24.46, 24.50, 24.52, 24.54, 24.56, 24.58, 24.60, 24.62, 24.64, 24.66, 24.68, 24.70, 24.72, 24.74, 24.76, 24.78; the cost of court plus fifteen dollars.

(3) For such violation of any provisions of sections:

26.2, 26.4, 26.12, 26.24, 26.28, 26.40, 26.42, one dollar.

(b) The court shall have power to accept such plea, or to reject it and hold the case for trial. If such plea is accepted, the penalty deposit shall be paid to the court, except that the court shall have no power to remit or suspend it or any part of it.

**Sec. 26.99 Penalties.** (a) It shall be a misdemeanor for any person to violate any of the provisions of the Traffic Code, unless such violation is by law of this state declared to be a felony.

(b) Whoever violates the weight provisions of section 20.70 or section 20.74 shall be fined twenty-five dollars for the first two thousand pounds, or fraction thereof, of overload; for overloads in excess of two thousand pounds, but not in excess of five thousand pounds, such person shall be fined twenty-five dollars, and in addition thereto one dollar per one hundred pounds of overload; for overloads in excess of five thousand pounds, but

not in excess of ten thousand pounds, such person shall be fined twenty-five dollars, and in addition thereto two dollars per one hundred pounds of overload, or imprisoned not more than thirty days, or both. For all overloads in excess of ten thousand pounds such person shall be fined twenty-five dollars, and in addition thereto three dollars per one hundred pounds of overload, or imprisoned not more than thirty days, or both. Whoever violates the weight provisions of vehicle and load relating to gross load limits shall be fined not less than one hundred dollars. Provided that no penalty prescribed in this paragraph shall be imposed on any vehicle combination if (1) the overload on any axle does not exceed 1000 pounds, and if (2) the immediately preceding or following axle excepting the front axle of the vehicle combination, is underloaded by the same or a greater amount. For purposes of this paragraph, two axles on one vehicle less than eight feet apart shall be considered as one axle. (RC § 5577.99)

Whoever violates section 22.22 shall be fined not more than \$500.00 and imprisoned in the county jail or workhouse not less than three (3) days, nor more than six (6) months, and the court shall not suspend the first three days of any sentence provided for herein.

Whoever violates section 22.36 may be fined not more than five hundred dollars and shall be imprisoned not less than two days nor more than six months.

Any violation of sections 22.38 and 26.44 of the Traffic Code shall be punishable by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both.

Except as written pleas of guilty are accepted as provided by section 26.98, every person convicted or found guilty of a violation of any of the provisions of the Traffic Code for which no other penalty is provided shall, for the first offense thereof, be fined not more than fifty dollars; and for a second offense within one year thereafter, not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail or workhouse not more than ten days, or both; and for a third or subsequent offense within one year after the first offense shall be fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned in the county jail or workhouse not more than thirty days, or both, provided, further, that when any person is found guilty of a first offense for a violation of section 24.2 of the Traffic Code upon a finding that he operated a motor vehicle

faster than thirty-five miles an hour in the business district of a municipal corporation, or faster than fifty miles an hour in other portions, or faster than thirty-five miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, the court may, in addition to the penalty herein provided, sentence each offender to the county jail or workhouse for not more than five days. (RC § 4511.99)

Whoever violates section 24.6 of the Basic Village Code shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Whoever violates section 24.84 shall be fined not less than one hundred nor more than five hundred dollars. (RC § 5589.99)

## **CHAPTER 28: STREETS, SIDEWALKS AND SEWERS**

### **Section**

### **STREETS AND SIDEWALKS**

- 28.2 Conditions precedent to improving streets.
- 28.4 Opening permit required.
- 28.6 Application and cash deposit.
- 28.8 Restoration of pavement.
- 28.10 Barriers around excavations.
- 28.12 Warning lights.
- 28.14 Sidewalk construction.
- 28.16 Unloading on street, sidewalk, etc.
- 28.18 Street and sidewalk obstruction.
- 28.20 Materials on street or sidewalk.
- 28.22 Removal of ice and snow.
- 28.99 Penalty.

**Sec. 28.2 Conditions precedent to improving streets.** No department of this municipality shall accept, lay out, open, improve, grade, pave, curb or light any street or other way, unless such street or way shall have been accepted or opened or otherwise shall have received the legal status of a public street or way prior to the effective date of this Code; or unless such street or way corresponds in location and extent with a street or way shown on a recorded plat which shall have been legally accepted by council of this municipality.

**Sec. 28.4 Opening permit required.** It shall be unlawful for any person, other than the street commissioner, engineer, or the authorized employees or agents of either, to make any opening in any street, alley, sidewalk, or public way of the municipality unless a permit to make such opening shall have been obtained prior to commencement of the work, as herein provided.

Penalty, § 28.99 herein.

**Sec. 28.6 Application and cash deposit.** Each permit for making such opening shall be confined to a single project and shall be issued by the mayor or other proper administrative officer. Application shall be made on a form prescribed by council, giving the exact location of the proposed opening, the kind of

paving, the area and depth to be excavated and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posed with the mayor or other proper administrative officer, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

**Sec. 28.8 Restoration of pavement.** The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the street commissioner, and in accordance with rules, regulations and specifications approved by council.

Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the municipality may proceed without notice to make such fill and restoration and the deposit referred to in the preceding section shall be deemed forfeited. Thereupon such deposit shall be paid into the street repair fund of the municipality, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the municipality for restoration services performed by it. If the amount of such services performed by the municipality should exceed the amount of such deposit, the clerk or other proper administrative officer shall proceed to collect the remainder due from such permittee.

**Sec. 28.10 Barriers around excavations.** Any person engaged in or employing others in excavating, or opening any street, sidewalk, alley or other public way, shall have such excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, § 28.99 herein.

**Sec. 28.12 Warning lights.** Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at or near each end of such obstruction or exca-



vation, and if the space involved shall exceed fifty feet in extent, then at least one additional lamp for each added fifty feet or portion thereof excavated or obstructed.

Penalty, § 28.99 herein.

**Sec. 28.14 Sidewalk construction.** It shall be the duty of the engineer of the municipality or, if none exists, the street commissioner, to supervise construction or repair of sidewalks within the municipality. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the same to council for approval. When approved, council shall advertise for proposals to do all the work which may be ordered by the municipality in construction and repair of sidewalks, and shall contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The council, if it deems advisable, may make separate contracts for the different kinds of work with different parties.

**Sec. 28.16 Unloading on street, sidewalk, etc.** It shall be unlawful for any person to unload any heavy material in the streets of the municipality, by throwing or letting the same fall upon the pavement of any street, alley, sidewalk or other public way, without first placing some sufficient protection over the pavement.

Penalty, § 28.99 herein.

**Sec. 28.18 Street and sidewalk obstruction.** No person shall obstruct any street, alley, sidewalk or other public way within the municipality, by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any such fence or building is permitted to remain upon such public way, shall be deemed a separate offense.

Penalty, § 28.99 herein.

**Sec. 28.20 Materials on street or sidewalk.** It shall be unlawful for any person to encumber any street or sidewalk, or, being the owner, occupant or person having the care of any building or lot of land, bordering on any street or sidewalk, to

permit the same to be encumbered with barrels, boxes, cans, articles or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, § 28.99 herein.

**Sec. 28.22 Removal of ice and snow.** (a) The owner, occupant or person having the care of any building or lot of land bordering on any street with graded or paved sidewalk, within the first four hours after daylight, following or during a fall of snow, shall cause the snow to be removed from such walk; and this provision shall include snow or ice falling from any building.

(b) Whenever such sidewalk or any part thereof shall become encumbered with ice, the owner, occupant or person in control, within the first four hours after daylight, following or during its formation, shall cause such sidewalk to be made safe by removing such ice or sprinkling the same with sand or other suitable substance.

Penalty, § 28.99 herein.

**Sec. 28.99 Penalty.** Whoever makes or causes any opening to be made without having obtained a permit as required under sections 28.2 to 28.8, inclusive, shall be fined not more than fifty dollars nor less than twenty-five dollars for each offense, and each opening made in violation of the provisions thereof shall constitute a separate offense.

Whoever violates section 28.22 or refuses to comply therewith shall be fined not more than five dollars for each offense.

Any person violating any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than fifty dollars for each offense.

## CHAPTER 30: ANIMALS

### Section

- 30.2 Animals at large.
- 30.4 Cruelty to animals.
- 30.6 Birds.
- 30.8 Loud dog.
- 30.10 Dogs; rabies control.
- 30.12 Interfering with enforcement.
- 30.14 Poisonous substances.
- 30.99 Penalty.

**Sec. 30.2 Animals at large.** No person, being the owner of any animal or fowl, or harboring or having charge or control of the same, shall permit such animal or fowl to run at large in any street, lane, alley, market place or public ground of this municipality, or permit such animal or fowl to go upon or enter any private yard, lot, or inclosure, without consent of the owner of such yard, lot, or inclosure.

Penalty, § 30.99 herein.

**Sec. 30.4 Cruelty to animals.** No person shall overwork, overdrive, overload, or drive when overloaded, or torture, torment cruelly, beat, mutilate, or underfeed any animal, or permit any such animal to be without proper protection from the weather.

Penalty, § 30.99 herein.

**Sec. 30.6 Birds.** No person shall kill or injure any wild bird, nor throw, fire or shoot a bullet, stone, arrow, or other missile, at such bird, or break, tear down, or destroy any bird's nest or the eggs or other contents of such nest, or catch or capture any wild bird, set traps, or spread nets or snares, with intent to catch or capture the same, or follow or pursue the same, with intent to catch or injure such birds.

Penalty, § 30.99 herein.

**Sec. 30.8 Loud dog.** It shall be unlawful for any person to harbor or keep a dog which by loud and frequent or habitual barking, howling or yelping, shall cause annoyance or disturbance to the neighborhood.

Penalty, § 30.99 herein.

**Sec. 30.10 Dogs; rabies control.** Whenever the mayor shall deem it necessary for the protection of the public, he shall issue an order prohibiting, for a certain time therein specified, any dog from being at large in any public street or place, unless muzzled and on leash, so as effectually to prevent it from biting any person or animal. Such order shall be posted in three conspicuous places in the municipality, for such time as the mayor shall deem necessary, and any dog found at large during the existence of such quarantine order shall be impounded and may be destroyed by municipal authority without notice to the owner.

**Sec. 30.12 Interfering with enforcement.** No person shall molest or interfere with any officer while engaged in enforcing an order issued under section 30.10.

Penalty, § 30.99 herein.

**Sec. 30.14 Poisonous substances.** It shall be unlawful for any person to place or deposit any poisoned or poisonous substance anywhere within the municipality with intent to poison any domestic animal.

Penalty, § 30.99 herein.

**Sec. 30.99 Penalty.** Whoever violates section 30.2 shall be fined not more than twenty-five dollars.

Whoever violates section 30.6 shall be fined not more than ten dollars.

Whoever violates section 30.12 shall be fined not more than one hundred dollars.

Whoever shall violate any of the provisions of this chapter for which no penalty is otherwise provided, shall be fined not more than fifty dollars.

## **CHAPTER 32: INTOXICATING LIQUORS; NARCOTICS**

### **Section**

- 32.2 Manufacture, possession or sale of intoxicating liquor without a permit.
- 32.4 Sale or possession of diluted liquor or refilled containers.
- 32.6 Possession of opened bottle or container of liquor.
- 32.8 Drinking in motor vehicle.
- 32.10 Sale or gift of liquor on Sundays and election days.
- 32.12 Regulation as to sales.
- 32.14 Purchase by minor; misrepresentation of age.
- 32.16 Illegal possession of intoxicating liquor.
- 32.18 Narcotics; possession or sale unlawful.
- 32.20 Narcotics; under the influence of.
- 32.99 Penalty.

**Sec. 32.2 Manufacture, possession or sale of intoxicating liquor without a permit.** No person by himself or by his clerk, agent or employee shall manufacture, manufacture for sale, offer, keep, or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this municipality, or transport, or import, or cause to be transported or imported any beer, intoxicating liquor, or alcohol in or into this municipality for delivery, use, or sale, unless such person has fully complied with Chapters 4301 and 4303 of the Revised Code of Ohio or is the holder of a permit issued by the state department of liquor control and in force at the time. (RC § 4303.25)

Penalty, § 32.99 herein.

**Sec. 32.4 Sale or possession of diluted liquor or refilled containers.** No person shall sell, offer for sale, or possess intoxicating liquor in any original container which has been diluted, refilled, or partly refilled. (RC § 4301.68)

Penalty, § 32.99 herein.

**Sec. 32.6 Possession of opened bottle or container of liquor.** No person shall have in his possession an opened container of intoxicating liquor in a state liquor store, or on the premises of the holder of any permit issued by the state department of liquor

control, or any other public place. This section does not apply to intoxicating liquor which has been lawfully purchased for consumption on the premises where bought from a holder of an A-2, D-2, D-3, D-3a, D-4, and D-5 permit. (RC § 4301.62)

Penalty, § 32.99 herein.

**Sec. 32.8 Drinking in motor vehicle.** No person shall consume any beer or intoxicating liquor in a motor vehicle. (RC § 4301.64)

Driving while intoxicated, see § 22.22.

Penalty, § 32.99 herein.

**Sec. 32.10 Sale or gift of liquor on Sundays and election days.** No person shall sell intoxicating liquor after 2:30 a. m. on Sunday or sell at retail intoxicating liquor on a primary or general election day between the hours of 6:00 a. m. and 7:30 p. m. (RC § 4301.22D)

Penalty, § 32.99 herein.

**Sec. 32.12 Regulation as to sales.** Sales of beer and intoxicating liquor under all classes of permits are subject to the following restrictions, in addition to those imposed by the rules, regulations or orders of the state department of liquor control:

(1) No beer shall be sold to any person unless he is eighteen years of age; and no intoxicating liquor shall be sold to or handled by any person unless he is twenty-one years of age;

(2) No sales shall be made to an intoxicated person;

(3) No intoxicating liquor shall be sold to any individual who habitually drinks intoxicating liquor to excess or to whom the state department of liquor control has after investigation, determined to prohibit the sale of such intoxicating liquor.

(4) No holder of a permit shall give away any beer or intoxicating liquor of any kind at any time in connection with his business. (RC § 4301.22)

Penalty, § 32.99 herein.

**Sec. 32.14 Purchase by minor; misrepresentation of age.**  
(a) No person under the age of twenty-one years shall purchase intoxicating liquor, nor shall a person under the age of eighteen years purchase beer. (RC § 4301.63)

(b) No person under the age of eighteen years shall order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor, or consume any beer or intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, in any public place, except as provided in section 4301.69 of the Revised Code of Ohio. (RC § 4301.63.1)

(c) No person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any intoxicating liquor, or consume any intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, except as provided in section 4301.69 of the Revised Code of Ohio. (RC § 4301.63.2)

(d) No person shall knowingly furnish any false information as to the name, age, or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under eighteen years of age, or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift. (RC § 4301.63.3)

(e) No person under the age of eighteen years shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this municipality where beer or intoxicating liquor is sold under a permit issued by the department of liquor control or sold by the department of liquor control. (RC § 4301.63.4)

(f) No person under the age of twenty-one years shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining intoxicating liquor in any place in this state where intoxicating liquor is sold under a permit issued by the department of liquor control or sold by the department of liquor control. (RC § 4301.63.5)

(g) Any person under the age of eighteen years who violates paragraphs (b) or (e) shall be apprehended and charged as being an unruly child and taken before the juvenile court in the county in which the violation occurred as provided in section 2151.25 of the Revised Code, and proceeded against in the manner provided in Chapter 2151. of the Revised Code. Upon conviction of any person under the age of eighteen years for a violation of section 4301.63.1 or 4301.63.4 of the Revised Code, the juvenile court may make such disposition of the case as authorized by section 2151.35.4 of the Revised Code.

Penalty, § 32.99 herein.

**Sec. 32.16 Illegal possession of intoxicating liquor.** No person shall have in his possession any spirituous liquor, in excess of one quart, in one or more containers, which was not purchased at wholesale or retail from the department of liquor control or otherwise lawfully acquired pursuant to Chapter 4301. and 4303. of the Revised Code, or any other intoxicating liquor, in one or more containers, which was not lawfully acquired pursuant to chapters 4301. and 4303. of the Revised Code. (RC § 4301.67)

Penalty, § 32.99 herein.

**Sec. 32.18 Narcotics; possession or sale unlawful.** It shall be unlawful for any person other than a licensed physician, surgeon, pharmacist or other person, duly licensed or authorized by state or federal law, so to do, to possess, sell, give away, administer or offer for sale any opium, cocaine, heroin, cannabis indica, cannabis sativa, marihuana or other habit-forming narcotic drug or opiate, in any form, or to possess, offer to sell, sell or give away, or employ any pipe, hypodermic syringe, needle or other instrument which is intended to be used in administering any such narcotic drug or opiate. The provisions herein as to possession shall not apply to a person whose possession is upon prescription of a duly licensed physician.

Penalty, § 32.99 herein.

**Sec. 32.20 Narcotics; under the influence of.** It shall be unlawful for any person to be found under the influence of narcotic drugs or opiates or to be found in a state of intoxication resulting from the use of such drug or opiate which was not administered by a duly licensed physician, surgeon or under his direction.

Penalty, § 32.99 herein.

**Sec. 32.99 Penalty.** Whoever violates any of the provisions of this Chapter shall be fined not more than fifty dollars.



## **CHAPTER 34: SANITATION AND HEALTH**

### **Section**

- 34.2 Application of Chapter 34.

### **FOOD AND FOOD HANDLERS**

- 34.4 Definition of terms.  
34.6 Permitting unclean premises.  
34.8 Equipment.  
34.10 Cleanliness of persons employed.  
34.12 Health of persons employed.  
34.14 Unsanitary food.

### **COMMUNICABLE DISEASES**

- 34.16 Attending schools and other public places when infected.  
34.99 Penalty.

**Sec. 34.2 Application of Chapter 34.** The provisions of this Chapter shall be enforceable within this municipality concurrently with the state and federal laws relative to sanitation and health and to the sale of pure foods and drugs, and the ordinances or orders of the county health district, and shall not be construed as modifying, repealing, limiting or affecting in any manner such laws, ordinances or orders.

### **FOOD AND FOOD HANDLERS**

**Sec. 34.4 Definition of terms.** The term food as used in this chapter shall include breads, meats, fruits, grains, vegetables, milk, juices and all other foodstuffs, food products or food ingredients in the natural or processed state. The expression shall be deemed to include all canned, bottled, dehydrated or otherwise preserved foods.

The term food handler shall include wholesale or retail grocers, bakers, butchers, restaurant or lunch stand operators, dairymen, hucksters, fruit stand operators, canners or packers of foodstuffs, cold storage house operators, or other persons commercially engaged in processing, handling, transporting, storing or selling food.

**Sec. 34.6 Permitting unclean premises.** It shall be unlawful for any food handler to keep or possess food except when in original cans, packages or containers, in any room, building, establishment or other place, unless such place:

(1) Shall be adequately lighted to reveal any dirt or unwholesome condition which might exist.

(2) Shall consist of smooth, tight floors, walls and ceilings, free from projections, cracks and crevices and kept clean and sanitary at all times by painting, scrubbing and cleaning to prevent the accumulation of dirt and filth.

(3) Shall be adequately ventilated and screened against flies and other insects.

(4) Shall be free from all vermin and rodents.

(5) Shall be provided with an ample supply of pure and uncontaminated running water with sanitary drainage into a cesspool or sewer.

Penalty, § 34.99 herein.

**Sec. 34.8 Equipment.** Every food handler's establishment shall be equipped with an adequate supply of furniture, machinery, implements, containers and utensils for the proper conduct of such business, and it shall be unlawful for any food handler to have in possession or use in connection with such business any furniture, machine, implement, container, utensil or other article of equipment which is not thoroughly clean, sanitary and free from rust or corrosion.

Penalty, § 34.99 herein.

**Sec. 34.10 Cleanliness of persons employed.** Every food handler or employe thereof who is engaged in handling food, except when such food is in original cans, packages or containers, shall keep his person, aprons, services, caps and other articles of clothing thoroughly clean and free from dirt and filth. Failure to observe the provision of this section shall constitute a misdemeanor and the employer of any person violating the same shall be deemed an aider and abettor and may be prosecuted as if he were the principal offender.

Penalty, § 34.99 herein.

**Sec. 34.12 Health of persons employed.** It shall be unlawful for any person suffering from cholera, dysentery, epidemic or streptococcus sore throat, paratyphoid fever, poliomyelitis

(acute anterior), scarlet fever, tuberculosis, typhoid fever, or who is a carrier of the organism of any such disease, or who is suffering from any venereal disease, to serve or handle food, except when such food is in original cans or containers. The employer of any person violating this section shall be deemed an aider and abettor and may be prosecuted as if he were the principal offender.

Penalty, § 34.99 herein.

**Sec. 34.14 Unsanitary food.** It shall be unlawful for any food handler to prepare, manufacture, possess, sell or expose or offer for sale any food which is impure, moldy, tainted, rancid, unwholesome or otherwise unsanitary or which is adulterated or misbranded.

The standards of purity fixed by the Federal Security Administrator under Title 28, Chapter 9 of the United States Code, and such other standards of purity for foods as may be adopted from time to time by the Administrator, are hereby adopted and declared to be the standards of purity intended and required by this Chapter.

Penalty, § 34.99 herein.

## COMMUNICABLE DISEASES

**Sec. 34.16 Attending schools and other public places when infected.** It shall be unlawful for any person infected with or exposed to infection of influenza, infantile paralysis, cerebrospinal meningitis, measles, chicken pox, smallpox, whooping cough, cholera, scarlet fever, diphtheria or other communicable disease, to attend any public, parochial or private school, theater or other public gathering. The parents, guardian or other person having custody or control of any child under 18 years of age, violating this section, shall be deemed aiders and abettors and may be prosecuted as if they were principal offenders.

Penalty, § 34.99 herein.

**Sec. 34.99 Penalty.** Whoever shall violate or fail to comply with any of the provisions of this chapter for which another penalty is not provided, shall be fined not less than five dollars nor more than fifty dollars.

## CHAPTER 36: NUISANCES

### Section

- 36.2 Application of chapter 36.

### UNCLEAN HABITATIONS

- 36.4 Permitting unclean habitations.  
36.6 When deemed unsanitary.  
36.8 Order for abatement or vacation of premises.  
36.10 Vacation and abatement hearings.  
36.12 Posting notice of vacation.  
36.14 Enforcement of vacation order by marshal.  
36.16 Enforcement through court proceedings.  
36.18 Cleanliness; hotels, lodging houses, etc.

### VAULTS, CESSPOOLS, REFUSE, ETC.

- 36.20 Privy vaults, cesspools, etc.  
36.22 Unsanitary vaults.  
36.24 Removal of contents of vault.  
36.26 Deposit of dead animals, offal, etc., upon land or water.  
36.28 Dumping of refuse in village forbidden.  
36.30 Draining slops, etc.

### CLEANING OF PREMISES

- 36.32 Order to clean up premises.  
36.34 Sanitary inspection.  
36.36 Individual orders for abatement.  
36.38 Copy of resolution to be served or published.  
36.40 Unclean premises prohibited.  
36.42 Periodic inspection.  
36.44 Enforcement; court proceedings.

### CUTTING WEEDS

- 36.46 Keeping down weeds.  
36.48 Notice to owner to cut noxious weeds; service.  
36.50 Fees for service and return.  
36.52 Procedure when owner fails to comply with notice.  
36.54 Written return to county auditor; amount, a lien upon property.

### MISCELLANEOUS

- 36.60 Trimming of trees and shrubbery to prevent obstruction.  
36.62 Keeping of animals.  
36.64 Burning waste or leaves.  
36.66 Littering roadways.  
36.68 Trade or business causing nuisance.

### PENALTY

- 36.99 Penalty.

**Sec. 36.2 Application of chapter 36.** The provisions of this chapter shall be enforceable within this municipality concurrently with the state and federal laws relative to sanitation and health

and the ordinances or orders of the county health district relative thereto, and shall not be construed as modifying, repealing, limiting or affecting in any manner such laws, ordinances or orders.

### UNCLEAN HABITATIONS

**Sec. 36.4 Permitting unclean habitations.** It shall be unlawful for any person to lease, let, permit the occupancy of, permit the continuation of the occupancy of, or continue the occupancy of the structure or building or any portion thereof, used for human habitation, unless such structure or building or portion thereof be free from unclean and unsanitary conditions, as defined in the subsequent sections of this chapter and unless the provisions of said subsequent sections are complied with.

Penalty, § 36.99 herein.

**Sec. 36.6 When deemed unsanitary.** Any structure or building or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition by reason of any portion of such building being infected with a communicable disease, or by reason of the absence therein of toilet facilities as required by law or ordinance, or by reason of the known presence of sewer gas therein or thereon.

Any structure or building or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition when unfit for human habitation or in a condition dangerous or harmful to the lives or health of the occupants by reason of the inhabited portion of the house being damp or wet or by reason of such lack of repair, or by reason of such accumulation of dirt, filth, litter, refuse or other offensive or dangerous substances or liquids, or by reason of such defects in or lack of repair of or improper use of the drainage, plumbing or ventilation, or by reason of the existence on the premises of such a nuisance or other condition as is likely to cause sickness among the occupants. Any structure or building or any portion thereof, used for human habitation, which is in such unclean or unsanitary condition is hereby declared to constitute a public nuisance.

**Sec. 36.8 Order for abatement or vacation of premises.** Whenever the board of health of the county ascertains from examination or reports of its inspectors or sanitary officers or otherwise that a public nuisance exists, as defined in section

36.6, in or upon any structure or building, or portion thereof, and is of the opinion that such nuisance is capable of being abated without immediate vacation of the premises or such portion thereof, and serves notice upon the owner of such house, or his lessee or agent, or the person in possession, charge or control thereof directing him to abate such nuisance and remove the unclean or unsanitary conditions within such reasonable time as may be fixed by said board and specified in said notice, it shall then be the duty of such owner, agent or person to abate such nuisance within such time. Whenever such abatement does not take place within such time, or whenever in the opinion of said board, such abatement is impossible or impracticable without an immediate vacation of the house or portion thereof, and said board serves notice upon the owner, lessee, agent, or person in possession, charge or control thereof to vacate or cause the vacation of such house or portion thereof designated in the notice, then it shall be the duty of such owner, lessee, agent or person to vacate or cause the vacation of such house or portion thereof within twenty days from the date of the service of such notice, or within a shorter time (not less than twenty-four hours in any case) as may be specified in said notice. Whenever, either in addition to or without the service of said notices on said owner, lessee, agent or person in possession, charge or control, the said board is of the opinion that such nuisance can be abated by a tenant or other occupant of such house or portion thereof, and such notices, either for abatement of the nuisance or of vacation of the premises, are served upon such tenant or other occupant, then it shall be the duty of such tenant or other occupant to comply with the terms of such notices and to abate the nuisance or vacate the premises accordingly. After any such notice or order of vacation it shall be unlawful to occupy or permit the occupancy of such premises or portion thereof until such nuisance shall have been completely abated and such building or portion thereof shall have been rendered clean and sanitary in accordance with the terms of said notices of the board of health. When there is no owner, agent, lessee or person in charge, possession or control, who is a resident of or can be served in the municipality, then personal service outside of said municipality on any such owner, agent, lessee or person in charge possession or control by anyone delegated by said board of health to make such service, or by registered letter, or if the address of the owner, lessee, agent or person in possession, charge or control be unknown, or service be not secured by registered letter after effort to do so, by notice by publication once a week for two consecutive weeks in any newspaper of general circulation in the municipality, or posting or attaching to or on the outside of

said structure or building of a copy of the notice or order consecutively for two weeks, shall have the same effect as service within said municipality.

**Sec. 36.10 Vacation and abatement hearings.** When the notice or order of vacation follows a notice or order of abatement, as provided in section 36.8, such notice or order of vacation shall not be enforced as provided in this chapter, unless said notice or order of abatement specifies a time when the person so notified or ordered may appear before the board or officer issuing same to show cause why such order or notice of vacation should not be issued, and unless said board (or a majority thereof) or officer is present at its or his office at the time so specified; such time to be not less than twenty-four hours after the service of the notice or order. When the notice or order of vacation is issued as provided in section 36.8 of this chapter, without a previous notice or order of abatement, such notice or order of vacation shall not be enforced as provided in this chapter unless it specifies a time, not less than five days after the service thereof, when the person so notified or ordered may appear before the board issuing same to show cause why such notice or order should not be enforced, and said board or a majority thereof is present at its office at the time so specified; provided that when, in the opinion of at least four-fifths of the members of such board, an emergency exists which requires, for the protection of the health of occupants, the vacation of the building or portion thereof without a delay of five days, then no such fixing of a time for hearing shall be required.

**Sec. 36.12 Posting notice of vacation.** Whenever such procedure, in the opinion of the board of health is desirable or necessary, said board of health may affix conspicuously on the buildings or part thereof the notice or order of vacation.

**Sec. 36.14 Enforcement of vacation order by marshal.** When the notice or order of vacation has not been complied with, and the board of health certifies such fact to the marshal or police chief of the municipality, together with a copy of the order of notice, it shall be the duty of said marshal or police chief to enforce such notice or order of vacation and to cause the said premises to be vacated in accordance with the terms of such notice or order.

**Sec. 36.16 Enforcement through court proceedings.** Whenever the board of health shall certify to the solicitor any failure to comply with any such order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the solicitor shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of such order or notice and the abatement of the nuisance against which such order or notice was directed; such suits or proceedings to be brought in the name of the municipality. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this Code or any other criminal law or ordinance in force within the municipality.

**Sec. 36.18 Cleanliness; hotels, lodging houses, etc.** Every owner of, and every agent in charge of, a tenement house, lodging house, tourist home, tourist cabin or hotel, or part thereof, shall cause to be kept thoroughly clean all parts of the premises not within the occupied apartments. No person shall place filth, urine, or fecal matter in any place other than provided for the same, or keep filth, urine or fecal matter in his apartments or upon his premises such length of time as to create a nuisance, and every tenant shall keep his apartment in clean and sanitary condition. The walls of courts and shafts, unless built in a light color brick or stone, shall be thoroughly whitewashed or painted a light color and shall be so maintained. Such whitewash or paint shall be renewed as required by the board of health.

Penalty, § 36.99 herein.

### VAULTS, CESSPOOLS, REFUSE, ETC.

**Sec. 36.20 Privy vaults, cesspools, etc.** No person being the owner, occupant, or person in charge of any premises so situated as to permit of connection with any sanitary sewer, shall maintain or permit to be maintained on or in connection with such premises any privy vault, cesspool, septic tank or other repository for human excreta.

Penalty, § 36.99 herein.

**Sec. 36.22 Unsanitary vaults.** It shall be unlawful for any person being the owner, lessor, occupant or person in charge of any premises upon which a privy vault, cesspool or septic tank



is located, to permit such vault, pool or tank, or any building, fixture or device appurtenant thereto, to become foul, noisome, filthy, or offensive to neighboring property owners.

Penalty, § 36.99 herein.

**Sec. 36.24 Removal of contents of vault.** Whenever any part of the waste in any privy vault or cesspool extends to a point less than two feet below the surface of the ground adjacent thereto, or whenever use of any such vault or cesspool is abandoned or where such use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of such premises, shall cause such vault or cesspool to be emptied of its contents, thoroughly cleaned, and disinfected, and if abandoned, to be filled with clean earth or mineral matter to the level of the adjacent ground. Any failure to comply with these provisions shall be deemed an unlawful act subject to the penalty herein provided.

Penalty, § 36.99 herein.

**Sec. 36.26 Deposit of dead animals, offal, etc., upon land or water.** Whoever puts the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market place, or common, or, being the owner or occupant of such place, knowingly permits such thing to remain therein to the annoyance of any citizen or neglects to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence thereof, or after notice thereof in writing from the street commissioner, shall be guilty of a misdemeanor and shall be subject to the penalty hereinafter provided. (RC § 3767.16)

Penalty, § 36.99 herein.

**Sec. 36.28 Dumping of refuse in village forbidden.** It shall be unlawful for any person to dump, cause to be dumped or permit to be dumped on any publicly or privately owned land or water in the village, any paper, brush, rubbish, tin cans, vegetation, garbage or refuse of any kind, without first having obtained a written license from the mayor or other proper administrative office so to do. The mayor or other proper administra-

tive officer shall issue a license permitting dumping of designated materials where it appears that filling of the land is necessary and that the material deposited will be immediately covered with earth or will not be objectionable to the citizens of the neighborhood, or injurious to health.

Penalty, § 36.99 herein.

**Sec. 36.30 Draining slops, etc.** It shall be unlawful for any person or persons to drain, cause to be drained or allow to drain from any property occupied by him or her, any kitchen slops or other greasy or impure matter in the open gutters or waterways in the municipality, unless said drainage has been drained into a vault and filtered through a lesser vault filled with sand and fine gravel, built under the inspection of the county board of health.

Penalty, § 36.99 herein.



**CLEANING OF PREMISES**

**Sec. 36.32 Order to clean up premises.** Prior to May 10 in every year, the mayor or other chief administrative officer shall cause a notice or proclamation to be inserted in one or more newspapers of general circulation within the municipality, ordering persons to clean thoroughly and provide proper drainage for all lands, yards, vaults, cesspools, sheds and barns and to cause all tin cans, trash and other unclean and unsightly matter to be removed therefrom on or before May 10.

**Sec. 36.34 Sanitary inspection.** Thereafter in the month of May of each year the county health officer or in his absence the chief of police or marshal shall make a thorough sanitary inspection of all public and private property in the municipality and shall transmit his report together with his recommendations to the council on or before the first day of June. A copy of such report shall also be sent to the State Department of Health.

**Sec. 36.36 Individual orders for abatement.** If, upon inspection, it is found that the published order has not been complied with as to any lot or parcel of ground, council shall by resolution direct the owner, occupant or person in charge of such land within ten days to abate said nuisance, setting forth the nature of the violation and the acts required to be done. Said resolution shall provide that upon failure or refusal to comply with said order, the work required will be done by the municipality, with the amount expended thereof to be a valid claim against such owner or occupant and charged as a lien upon said land and recovered by the municipality by suit in a court of competent jurisdiction.

**Sec. 36.38 Copy of resolution to be served or published.** A copy of the resolution adopted under section 36.36 may be served personally or at the usual place of residence of such owner, occupant or person in charge of such land or by registered mail; or in lieu of such service, may be published for two consecutive weeks in a newspaper of general circulation in the village. (RC § 715.47)

**Sec. 36.40 Unclean premises prohibited.** It shall be unlawful at any time for the owner, occupant or person in charge of any lot or parcel of ground to cause or permit water to accumulate thereon and become stagnant, to permit culverts, drains or natural watercourses thereon to become obstructed, or to cause or permit any putrid or unsanitary substance to accumulate thereon. (RC § 715.47)

Penalty, § 36.99 herein.

**Sec. 36.42 Periodic inspection.** Independent of the annual clean-up and inspection provided for in sections 36.32 and 36.34, the county health officer or marshal or police chief shall make periodic inspection of properties within the municipality and shall report all violations of section 36.40 to council, who shall thereupon by resolution proceed to order such nuisances abated as provided in sections 36.36 and 36.38.

**Sec. 33.44 Enforcement; court proceedings.** In case of failure or refusal to comply with any such resolution of council, the work required thereby may be done at the expense of the corporation and the amount of money expended therefor shall be a valid claim against said owner, occupant or person in charge and a lien upon such land which may be enforced by suit in any court of competent jurisdiction. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment for violation of any section of this Code or any other criminal law or ordinance in force within the municipality. (RC § 715.47)

## CUTTING WEEDS

**Sec. 36.46 Keeping down weeds.** Any person owning or having charge of land within the municipality, shall keep said property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by him at least twice in every year, once between June first and July first and once between August first and September first.

**Sec. 36.48 Notice to owner to cut noxious weeds; service.** Upon written information that noxious weeds are growing on lands in the municipality and are about to spread or mature seeds, the council shall cause written notice to be served on the owner, lessee, agent or tenant having charge of such land, notifying him that noxious weeds are growing on such lands and that they must be cut and destroyed within five days after service of such notice. If the owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to his address by registered mail; if unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the county. (RC § 731.51)

**Sec. 36.50 Fees for service and return.** The marshal, any police officer or clerk of council may make service and return of the notice provided for in section 36.48 and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate. (RC § 731.52)

**Sec. 36.52 Procedure when owner fails to comply with notice.** If the owner or person having charge of such land fails to comply with such notice, council shall cause the noxious weeds to be cut and destroyed. All expenses and labor costs incurred shall, when approved by council, be paid out of municipal funds not otherwise appropriated. (RC § 731.53)

**Sec. 36.54 Written return to county auditor; amount, a lien upon property.** The council shall make a written return to the county auditor of their action under sections 36.48, 36.50 and 36.52 with a statement of the charges for their services, the



amount paid for labor, the fees of the officers serving said notices and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the municipality with the general fund. (RC § 731.54)

#### MISCELLANEOUS

**Sec. 36.60 Trimming of trees and shrubbery to prevent obstruction.** (a) It shall be unlawful for any person to plant, grow or maintain any shade tree or trees or shrubbery which will obstruct the proper distribution of light from street lamps or which will obstruct the view of traffic approaching an intersection by operators of vehicles approaching said intersection from another direction.

(b) All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and twelve feet above the surface of the street or roadway, and the branches of all trees in front of and along lots or lands near which street lights are placed shall be trimmed so as not to obstruct the free passage of light from said street lights to the street and sidewalk.

(c) The village council shall cause a written notice to be given to property owners ordering them to trim or remove trees and/or shrubbery so that said trees and shrubbery shall conform to the provisions of paragraphs (a) and (b).

(d) If the property owner fails to trim or remove said trees and/or shrubbery as ordered, the village council may cause said trees or shrubbery to be trimmed or removed as ordered, and the cost thereof shall be a lien upon such real estate.

Penalty, § 36.99 herein.

**Sec. 36.62 Keeping of animals.** (a) No person shall keep any pig, horse, cow, goat, three or more dogs at least three months of age, or any other animal or animals or any fowl or poultry in any pen, yard, lot or other enclosure situated within 100 feet of an inhabited dwelling house, other than the house of the owner of such animal or animals, fowl or poultry.

(b) The owner or keeper of any such animal or animals, fowl or poultry shall keep the pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odors.

Penalty, § 36.99 herein.

**Sec. 36.64 Burning waste or leaves.** No person shall burn any leaves, trash, debris or any other waste material within the village where the smoke and/or soot therefrom interferes with the health, comfort or convenience of the public in the general neighborhood of said private property.

Penalty, § 36.99 herein.

**Sec. 36.66 Littering roadways.** (a) No person shall place or dispose of in any manner any garbage, waste, or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil, or anything else of an unsightly or unsanitary nature along or near or on any public road, street, parkway, park drive, highway, ditch or any land adjoining any public road or highway or ditch, except on land provided by council. (RC § 3767.20)

(b) No person shall transport junk, refuse or garbage in any manner over and upon any street, alley, road, parkway, park drive or public highway in such a manner that it is strewn upon and along such street, alley, road or public highway. (RC § 3767.21)

Penalty, § 36.99 herein.

**Sec. 36.68 Trade or business causing nuisance.** No person shall erect, continue, use or maintain a building, structure, or place for the exercise of a trade, employment, or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public. No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream, or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

Penalty, § 36.99 herein.

**Sec. 36.70 Abatement of specified municipal nuisances.** (a) It shall be unlawful for any person to throw, place, or cause to be placed upon or in any street, sidewalk, or any public place or building in the Village of Unionville Center any debris, tin cans, waste paper, waste rubbish, garbage, filth, refuse, dust,



vermin, decaying or dead matter or any other substance which is or may become offensive to the immediate neighborhood in any matter whatever, or which does or will be likely to detract from the appearance, cleanliness and neatness of the Village or the immediate neighborhood.

(b) It shall be unlawful for the owner or occupant of any premises lying within the Village of Unionville Center to throw or deposit litter on any private premises within the Village, whether owned by such person or not, except that the owner or person in control of occupied private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(c) The owner or person in control of any private premises shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(d) The word "litter" as used in this ordinance shall mean debris, tin cans, waste paper, waste rubbish, garbage, filth, refuse, vermin, decaying or dead matter, abandoned automobiles, wrecked or dismantled automobiles, automobiles unusable and unmoved for ninety (90) days, junk or industrial wastes.

(e) It shall be unlawful for the owner or occupant of any real or other property located within the Village of Unionville Center to permit the same to be used, occupied, conducted and/or maintained in any manner which have been declared to be nuisances. (Ord. 351 passed 5-9-66)

Penalty, § 36.99 herein.

**Sec. 36.99 Penalty.** Whoever violates the provisions of this chapter shall be fined not less than \$5.00 nor more than \$50.00 for each offense and for the purpose of this chapter each day that said violation continues after the first offense shall be considered a separate and distinct offense under this chapter.

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CODE OF ORDINANCES

**Sec. 36.70 Abatement of specified municipal nuisances.**

- (C) The owner or person in control of any private premises shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- (D) The word "litter" as used in this ordinance shall mean debris, tin cans, waste paper, waste rubbish, garbage, filth, refuse, vermin, decaying or dead matter, abandoned automobiles, wrecked or dismantled automobiles, automobiles unusable and unmoved for ninety (90) days, junk or industrial wastes.
- (E) It shall be unlawful for the owner or occupant of any real or other property located within the Village of Unionville Center to permit the same to be used, occupied, conducted and/or maintained in any manner which have been declared to be nuisances. (Ord. 351 passed 5-9-66)

**Sec. 36.99 Penalty.** Whoever violates the provisions of this chapter shall be fined not less than \$5.00 nor more than \$50.00 for each offense and for the purpose of this chapter each day that said violation continues after the first offense shall be considered a separate and distinct offense under this chapter.

By Order of Council Members and Mayor

## CHAPTER 37: CURFEW

### Section

- 37.2 Hours of curfew for minors under twelve.
- 37.4 Hours of curfew for minors under eighteen.
- 37.6 Enforcement.

**Sec. 37.2 Hours of curfew for minors under twelve.** No minor under the age of twelve years shall loiter, idle, wander, stroll, or play in or upon the public streets, other public places, places of amusement and entertainment, vacant lots or other unsupervised places during the period from darkness to dawn; provided, however, that the provisions of this section do not apply to a minor accompanied by his parent, guardian, or other adult person having the care of and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian, or other adult person having the care and custody of the minor.

**Sec. 37.4 Hours of curfew for minors under eighteen.** No minor under the age of eighteen years shall loiter, idle, wander, stroll, or play in or upon the public streets, other public places, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 p.m. and 4:30 a.m. of the following day, official City time; provided, however, that the provisions of this section do not apply to a minor accompanied by his parent, guardian, or other adult person having the care of and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian, or other adult person having the care and custody of the minor.

**Sec. 37.6 Enforcement.** The parent, guardian or person having the legal custody and control of any minor violating any of the provisions hereof shall be deemed guilty of a misdemeanor, and shall be fined not more than \$50.00.

## CHAPTER 38: DANGEROUS WEAPONS, FIREWORKS AND EXPLOSIVES

### Section

- 38.2 Discharging firearms.
- 38.3 Concealed weapons; prohibited.
- 38.4 Paper balloons.
- 38.6 Sale and use of fireworks.
- 38.8 Permit to use fireworks; responsibility; sales out of the state.
- 38.10 Sale of explosives to minors.
- 38.12 Storage of explosives.
- 38.14 Blasting; permit.
- 38.99 Penalty.

**Sec. 38.2 Discharging firearms.** It shall be unlawful to discharge any cannon, pistol or other firearm of any kind whatsoever within the municipality. This section shall not prohibit the firing of a military salute or the firing of weapons by men of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials in the proper enforcement of the law, or to any person in the proper exercise of the right of self-defense. (RC § 3773.21)

Penalty, § 38.99 herein.

**Sec. 38.3 Concealed weapons; prohibited.** No person shall carry a bowie knife, dirk, blackjack, billyclub, brass knuckles, or other weapon capable of inflicting bodily harm concealed on or about his person. This section does not affect the right of sheriffs, regularly appointed police officers of municipal corporations, regularly elected constables, and special officers as provided under sections 311.07, 737.10, 1717.06, 1721.14, and 2917.32 of the Revised Code, to go armed when on duty. Deputy sheriffs and specially appointed police officers, except as are appointed or called into service under said sections, may go armed if they first give bond to this state to be approved by the clerk of the court of common pleas, in the sum of one thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapons carried by them. Persons injured by such improper use may have recourse on said bond. (RC § 2923.01.2)

**Sec. 38.4 Paper balloons.** It shall be unlawful to sell or offer for sale or give away a paper balloon to which a burning

light or flame may be attached, or to release into the air any such balloon with burning light or flame.

Penalty, § 38.99 herein.

**Sec. 38.6 Sale and use of fireworks.** Except as hereinafter provided it shall be unlawful for any person to possess for sale at retail or to sell at retail or for any person to discharge, ignite or explode any fireworks, as defined herein, within the village. The term fireworks shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times. (RC § 3743.32)

Penalty, § 38.99 herein.

**Sec. 38.8 Permit to use fireworks; responsibility; sales out of the state.** Upon written permission secured from the fire chief, fireworks may be sold and used for public or private exhibitions of fireworks in connection with fairs, carnivals, or other celebrations. In such cases parties in charge of such exhibitions shall be held strictly responsible for any damage to persons or properties resulting from the use of fireworks so used. Fireworks being held in storage for such exhibitions must be kept in a closed wooden box, or tarpaulin, until they are to be used, provided further that nothing in this chapter shall be construed to prohibit any wholesaler, dealer, or jobber to sell at wholesale such fireworks as are permitted to be used by this section or the sale of fireworks to be shipped directly out of state. (RC § 3743.33)

Penalty, § 38.99 herein.

**Sec. 38.10 Sale of explosives to minors.** It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Sale of firearms or ammunition to minors, (RC §§ 2903.06, 2903.07)

Penalty, § 38.99 herein.

**Sec. 38.12 Storage of explosives.** It shall be unlawful to store at any time in any powder house or magazine within the village limits a quantity of gunpowder or other similar explosive weighing in excess of one hundred pounds.

Penalty, § 38.99 herein.

**Sec. 38.14 Blasting; permit.** No person shall cause a blast to occur within the municipality without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the mayor of the municipality. The mayor or other proper administrative officer before granting such permit may require the applicant to provide a bond to indemnify the municipality and all other persons against injury or damages which might result from the proposed blasting.

Penalty, § 38.99

**Sec. 38.99 Penalty.** Whoever shall violate or fail to comply with any of the provisions of this chapter shall be fined not more than fifty dollars for each offense.

Whoever violates section 38.3 shall be fined not more than five hundred dollars, or imprisoned not less than thirty days nor more than one year, or both. (RC § 2923.01.2)

## CHAPTER 40: HOUSE TRAILERS

### Section

#### 40.2 House trailer occupancy prohibited.

**Sec. 40.2 House trailer occupancy prohibited.** No house trailer or any mobile home shall be occupied within the corporate limits of the Village, except in the event of emergency brought about by fire, storm, or other elements, or where the owner of above contemplates the building of a new house upon the same premises, in which event any person desiring to rebuild or replace a house destroyed by fire, etc., or desiring to build a new home, must first apply for a permit to do the same with the Mayor of this Village.

Said permit shall be granted for such a reasonable time as will permit the holder thereof to construct his dwelling, and said permit may be renewed upon presentation of satisfactory evidence that time limit must be extended to permit completion of the construction.

The fee for such permit shall be Five Dollars (\$5.00).

## **TITLE VIII: REGULATION AND LICENSING**

### **Chapter**

- 50. GENERAL PROVISIONS**
- 52. CONTROL OF TAXICABS**
- 54. VENDORS AND SOLICITORS**
- 56. COMMERCIAL AMUSEMENTS**



## CHAPTER 50: GENERAL PROVISIONS

### Section

- 50.2 Licenses required to engage in certain trades, businesses or professions.
- 50.4 Application for license.
- 50.6 Issuance of license.
- 50.8 Date and duration of license.
- 50.10 License not transferrable.
- 50.12 License certificate to be displayed.
- 50.14 Revocation or suspension.
- 50.16 Appeal and review.
- 50.99 Penalty.

**Sec. 50.2 Licenses required to engage in certain trades, businesses or professions.** No person shall engage in any of the trades, businesses or professions for which licenses are required by Title VIII or by any other ordinance or provision of this Code of Ordinances without first applying for and obtaining a license from the clerk or other duly authorized issuing authority.

**Sec. 50.4 Application for license.** All original applications for licenses, unless otherwise specifically provided, shall be made to the municipal clerk in writing upon forms to be furnished by him and shall contain: (1) the name of the applicant and of each officer, partner or business associate; (2) his present occupation and place of business; (3) his place of residence for five years next preceding the date of application; (4) the nature and location of the intended business or enterprise; (5) the period of time for which the license is desired; (6) if for a vendor, a description of the merchandise to be sold; (7) such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

With each original or renewal application, the applicant shall deposit the fee required for the license requested.

It shall be unlawful knowingly to make any false statement or representation in said application.

Penalty, § 50.99 herein.

**Sec. 50.6 Issuance of license.** Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the clerk, by and with the written approval of the mayor, or other chief administrative officer, shall forthwith deposit the fee in the treasury and issue to the applicant a proper license certificate signed by such clerk and mayor, or other chief administrative officer. If for any reason the license is not issued, the aforesaid deposit, less one dollar to cover expenses of considering such application, shall be returned to the applicant.

**Sec. 50.8 Date and duration of license.** A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond the thirty-first day of December of the year issued; except that at any time after December 14 licenses may be issued for the ensuing calendar year. Unless otherwise specified the full annual fee will be required of licensees irrespective of the date of issue of such license.

**Sec. 50.10 License not transferrable.** Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided no license shall be assigned or transferred.

**Sec. 50.12 License certificate to be displayed.** Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the same.

Penalty, § 50.99 herein.

**Sec. 50.14 Revocation or suspension.** Any license may be revoked by the mayor or other chief administrative officer at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state or municipal law or ordinance involving moral

turpitude. Such revocation shall become effective upon notice served upon such licensee or posted upon the premises affected.

As a preliminary to revocation, the mayor or other chief administrative officer may issue an order suspending such license, which shall become effective immediately upon service of written notice to such licensee. Such notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with such conditions within the time specified, such license may be restored.

**Sec. 50.16 Appeal and review.** In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the council from such denial, revocation or suspension. Notice of appeal shall be filed in writing with the clerk who shall fix the time and place for hearing, the same to be not later than one week thereafter. The clerk shall notify the mayor and all members of council of the time and place of such hearing not less than twelve hours in advance thereof. Three members of council shall constitute a quorum to hear such appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of council present at such meeting declare in favor of the applicant, such license shall be forthwith issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

**Sec. 50.99 Penalty.** Whoever shall violate the provisions of section 50.12 shall be fined not more than five dollars.

Whoever shall violate or fail to comply with the provisions of Title VIII of this Code of Ordinances for which another penalty is not provided, shall be fined not less than five dollars nor more than fifty dollars.



## CHAPTER 52: CONTROL OF TAXICABS

### Section

- 52.2 Taxicab; definition.
- 52.4 Taxicab; license fee.
- 52.6 Application for license.
- 52.8 Issuance of license.
- 52.10 Taxicab stands.
- 52.12 Displaying rates; excessive charges.
- 52.14 All drivers to be licensed.
- 52.16 Suspension or revocation of license.
- 52.18 Renewal of license.
- 52.20 Vehicle inspection; requirements.

**Sec. 52.2 Taxicab; definition.** The term taxicab shall mean any vehicle whose owner or driver solicits, secures or accepts passengers for hire upon hail or request on the public streets in the municipality.

**Sec. 52.4 Taxicab; license fee.** No person, firm or corporation shall operate or cause to be operated a taxicab or proffer the services of any vehicle as a taxicab unless the owner of such vehicle shall have obtained a taxicab license as herein provided covering such vehicle.

Every such taxicab license shall expire on the 31st day of December for the year in which issued. Licenses issued on or after July first of any year shall be issued at one-half the annual license fee herein provided.

The annual license fee for each taxicab shall be ten dollars.

Penalty, \$ 50.99 herein.

**Sec. 52.6 Application for license.** Each applicant for a taxicab license shall present and file with the clerk his signed application setting forth the trade name under which he intends to do business; the number of vehicles and a general description of each vehicle for which a license is desired, the marking or lettering to be used thereon, and any other information required by the clerk pertinent to the issuance of such license.

**Sec. 52.8 Issuance of license.** The mayor or other chief administrative officer shall investigate and hold a hearing upon each application for a license. If the mayor or other chief administrative officer finds upon such investigation and hearing that the public convenience and necessity do not justify the operation of the vehicle for which license is desired, he shall forthwith notify the applicant of his findings. If he finds from such investigation and hearing that the public convenience and necessity do justify the operation of the vehicle or vehicles for which license is desired, he shall forthwith notify the applicant. Within sixty days thereafter, applicant shall furnish and file with the clerk the following:

(1) A full transcript of the information appearing on the certificate of title of each vehicle for which license is desired, and the state license number of each such vehicle.

(2) An unexpired official certificate from an authorized motor vehicle inspection station of the municipality, or if none exists from a neighboring city in Ohio, that each vehicle for which a license is desired has been inspected and tested and found to meet the standards fixed by statute and that each such vehicle is roadworthy and safe for operation as a taxicab.

(3) The name of each person who will operate such taxicab, with chauffeur's license number of each such person.

(4) A policy or policies of liability insurance issued for the life of the license applied for or longer, by a responsible insurance company, approved as to sufficiency by the treasurer, and as to legality by the solicitor, providing indemnity for or protection to the applicant against loss resulting from the operation of each such taxicab to the extent of \$10,000 on account of injury or death of one person in any one accident; \$20,000 on account of injury or death of more than one person in any one accident; and \$5,000 for property damage caused in any one accident.

In lieu of the policies of insurance above described, applicant may furnish a bond binding the principal and sureties to liability for the payment of a judgment or judgments to the extent of \$10,000, \$20,000 and \$5,000 respectively, as above set forth, with at least two approved persons as sureties or one approved corporate surety approved as to sufficiency by the treasurer and as to legality by the solicitor.

Thereupon, the mayor or other chief administrative officer shall examine such supporting information and documents, and being satisfied that applicant is the owner of any such vehicle, that the same is a safe and fit conveyance, and that satisfactory insurance or bond has been issued and is in force thereon, he shall, upon payment of the prescribed license fee, issue a license to the applicant.

A certified copy of such license shall be exhibited in a prominent place in each taxicab at all times.

**Sec. 52.10 Taxicab stands.** At the time of issuing the license, the mayor or other chief administrative officer shall designate a regular parking space for the taxicab or taxicabs, and he may prescribe rules for usage of such stand suitable to applicant's business and agreeable with the public convenience and welfare.

**Sec. 52.12 Displaying rates; excessive charges.** Every taxicab shall display at all times a printed list of the fares and rates to be charged passengers for transportation; and it shall be unlawful for any owner or driver to charge any amount in excess of such printed rates unless by mutual agreement between passenger and driver entered into before leaving the point of departure.

Penalty, § 50.99 herein.

**Sec. 52.14 All drivers to be licensed.** No person under twenty-one years of age and no person other than a chauffeur duly licensed as such under the laws of the State of Ohio, shall operate a taxicab on any street or alley of the municipality.

Penalty, § 50.99 herein.

**Sec. 52.16 Suspension or revocation of license.** Whenever a licensee shall for a period of sixty days fail to make a reasonable or consistent effort to operate any such taxicab or taxicabs the mayor or other chief administrative officer may either suspend or revoke such license pursuant to the provisions of section 50.14. This power to suspend or revoke shall not limit the powers granted to the mayor or other chief administrative officer elsewhere in this code.

**Sec. 52.18 Renewal of license.** All owners of taxicabs hereby licensed, at the completion of the year for which such license was issued, shall be entitled to a renewal for each succeeding year without a finding of convenience or necessity providing all other requirements of this Code have been complied with.

**Sec. 52.20 Vehicle inspection; requirements.** It shall be unlawful for the owner or other person having possession or

control of any taxicab, to operate the same upon the streets unless such vehicle shall have an unexpired seal of inspection indicating that it has been duly inspected and found safe and roadworthy within the preceding six months.

If any such taxicab is damaged by reason of a collision, or from any other cause, it shall be unlawful for the owner or other person having possession or control thereof to operate the same upon the streets unless such vehicle has been tested and approved at an authorized inspection station within 24 hours after such vehicle has been returned to service.

A violation of this section shall constitute grounds for revocation of such taxicab license.

Penalty, § 50.99 herein.



## CHAPTER 54: VENDORS AND SOLICITORS

### Section

54.2 Green River Ordinance.

54.99 Penalty.

**Sec. 54.2 Green River Ordinance.** The practice of going into and/or upon private residence in the Village of Unionville Center by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences for the purpose of soliciting orders for the sale of goods, wares, merchandise, magazines, periodicals or other articles or publications and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor.

**Sec. 54.99 Penalty.** Any person committing a nuisance as set forth in section 54.2 of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than ten dollars.



## CHAPTER 56: COMMERCIAL AMUSEMENTS

### Section

- 56.2 Bowling; billiards and pool.
- 56.4 Circuses, menageries, carnivals, etc.
- 56.6 Deposit required.
- 56.8 Circuses, etc.; license fee.
- 56.10 License fee may be waived in civic interest.

**Sec. 56.2 Bowling; billiards and pool.** Each proprietor of a billiard or pool table or of a bowling alley, or a combination of both, shall pay an annual license fee of twenty-five dollars for one such table; twenty-five dollars for one such alley; and ten dollars for each additional table, or each additional alley.

It shall be unlawful to operate any such table or alley between the hours of midnight and 6:00 a.m.

It shall be unlawful to permit betting or gambling in connection with the use of such table or alley.

Penalty, § 50.99 herein.

**Sec. 56.4 Circuses, menageries, carnivals, etc.** Each person, desiring to conduct, stage or give a circus, menagerie, carnival, sideshow, musical or minstrel entertainment, or exhibition of monsters or freaks of nature, for which money or reward is demanded or received, shall first obtain a license and pay the license fee or fees provided herein.

The applicant for a license to conduct, stage or give such exhibition shall give at least one week's notice in writing to the mayor, stating the dates of the performances, and the location at which they are to be presented. The mayor or other chief administrative officer shall give his consent to the issuance of such license if he deems the location suitable for the purpose; that it will properly accommodate the patrons; that the nature of the performance or exhibition is morally proper, and the use of said location will not throw too great a burden upon the police and fire departments.

No circus, menagerie, or carnival shall be given for more than two consecutive days, except in cases where council by special resolution shall allow a longer period, or where such exhibition is to be conducted on municipal property and the use thereof for a longer period shall have been approved by council.

Penalty, § 50.99 herein.

**Sec. 56.6 Deposit required.** At the time such application for a license is made, where use of municipal grounds is contemplated, the applicant shall deposit with the clerk a cash bond of not less than ten dollars, nor more than fifty dollars, conditioned upon the restoration and cleaning up of the grounds in a manner satisfactory to the mayor or other chief administrative officer. In the event said grounds shall be restored and cleaned up properly following the exhibition, the deposit shall be returned; otherwise the same shall be forfeited to the municipality.

**Sec. 56.8 Circuses, etc.; license fee.** The fee for such license shall be as follows: For each circus, carnival, side show, musical or minstrel entertainment, or exhibition of monsters or freaks of nature, fifty dollars for the first day, twenty-five dollars for each day thereafter; provided that such fee shall not amount to more than one hundred and fifty dollars in any one week.

**Sec. 56.10 License fee may be waived in civic interest.** The mayor or other chief administrative officer may, in his discretion, grant without cost a license for the holding of a circus, carnival, side show, musical or minstrel entertainment for not more than six consecutive days, where all of the performances are fostered and supervised by civic interests of the municipality, and a substantial part of the funds derived therefrom is expended for charitable or civic purposes.

## **TITLE X: MISDEMEANORS AND PENALTIES**

### **Chapter**

- 60. GENERAL PROVISIONS; RESISTANCE AND ESCAPE**
- 62. OFFENSES AGAINST THE PERSON**
- 64. OFFENSES PERTAINING TO PROPERTY**
- 66. OFFENSES AGAINST PUBLIC PEACE**
- 68. UNDESIRABLE PERSONS AND THEIR PUNISHMENT**
- 70. OFFENSES AGAINST MORALS AND DECENCY**
- 72. GAMBLING**
- 74. MISCELLANEOUS OFFENSES**
- 76. PENALTIES**



## CHAPTER 60: GENERAL PROVISIONS; RESISTANCE AND ESCAPE

### Section

- 60.2 Application of Title X.
- 60.4 Definitions.
- 60.6 Aider and abettor.
- 60.8 Limitation of prosecution.
- 60.10 Methods of arrest.
- 60.12 Failure to obey arrest notice.
- 60.14 Resisting police officer or abusing magistrate; general provision.
- 60.16 Impersonating an officer.
- 60.18 False police, fire or emergency call.
- 60.20 Aiding escape of prisoner.
- 60.22 Escape or attempt to escape from authority.
- 60.24 Interference with authorized persons at emergency scenes.
- 60.26 Apprehension of juvenile escapees.

**Sec. 60.2 Application of Title X.** Title X of this Code of Ordinances embodies and prescribes penalties for offenses against this municipality, not classifiable in previous titles and chapters. The word "misdemeanors," as used in this title is an inclusive expression, and does not imply that offenses found elsewhere in this Code of Ordinances are not also misdemeanors and punishable as such.

Each act or omission for which a penalty of fine or imprisonment or both is provided under this title or elsewhere in this Code of Ordinances, is hereby declared a violation of ordinance and unlawful, and is made a misdemeanor, upon conviction whereof, the penalty or penalties so provided shall be imposed by the court.

Each chapter, section or, wherever divisible, part section of this title, is hereby declared to be separable, and the invalidity of any chapter, section or divisible part section, shall not be construed to affect the validity of any other chapter, section or part section of this title.

The application of this section shall extend to ordinances hereafter adopted, amending, supplementing or re-enacting any provision of this or any other title of this Code unless otherwise provided.

**Sec. 60.4 Definitions.** The following words and phrases when used in this or other titles of this Code, unless otherwise provided, shall have the meanings respectively ascribed to them in this section:

**Unlawful act.** Any act constituting an offense against the peace and dignity of this municipality, violative of an ordinance of this municipality or section of this Code of Ordinances.

**Misdemeanor.** The commission of a forbidden act, the failure or omission to perform an act, or the misperformance of an act in violation of an ordinance of this municipality or section of this Code for which a penalty of fine or imprisonment or both is provided.

**Conviction.** The state or act of being convicted of a misdemeanor by court, jury, or upon plea of guilty before the mayor or other court of competent jurisdiction.

**Whoever; person.** Refers to and includes any person, masculine, feminine or neuter, natural or artificial, partner, principal, agent, employe and any official, public or private.

**Imprisonment.** Incarceration in the county jail, workhouse, or the jail of this municipality.

**Sec. 60.6 Aider and abettor.** Whoever aids, abets, or procures another to commit an offense against this municipality may be prosecuted and punished as if he were the principal offender. (RC § 1.17)

**Sec. 60.8 Limitation of prosecution.** No person shall be indicted or criminally prosecuted for a misdemeanor as herein defined, the prosecution of which is not otherwise specially limited by law, unless such prosecution is commenced within three years from the time of commission. (RC § 1.18)

One year limitation may apply. See RC § 1905.33, *Columbus v Kraner*, 13 OO(2d) 462.

**Sec. 60.10 Methods of arrest.** Arrest of a person charged with a misdemeanor under an ordinance of this municipality or section of this Code may be made by taking the person charged into custody or by serving him with an arrest notice. Such arrest notice may be served by the arresting officer when he is satisfied that the defendant has a continuing bona fide residence in this municipality, that he will obey the order of arrest and all orders of the court, and that peace and order will be subserved by not taking such persons into custody. The defendant shall in such cases acknowledge in writing the service of notice and shall agree to obey its order and all orders of the court.



**Sec. 60.12 Failure to obey arrest notice.** Failure to obey the order of an arrest notice shall be a misdemeanor punishable by a fine of not more than fifty dollars.

**Sec. 60.14 Resisting police officer or abusing magistrate; general provision.** Whoever resists, hinders, obstructs or abuses any police officer while attempting to arrest an offender under the state law or any ordinance of this municipality or section of this Code of Ordinances, or interferes in any way with such an officer or any person charged with the enforcement of such law or ordinance in the performance of his duties, or whoever abuses the mayor or magistrate in the execution of his office, shall be fined not more than fifty dollars, nor less than ten dollars.

**Sec. 60.16 Impersonating an officer.** Whoever, not a member of the police department, a legally elected public official or commissioned by the proper legal authority, falsely represents himself to be a police officer, sheriff, deputy sheriff, or constable, or being any person not a member of the police department, for the purpose of such false representation, wears a badge, symbol, uniform or part thereof similar to that of the police department, shall be fined not less than twenty-five dollars, nor more than one hundred dollars, or imprisoned not less than thirty days nor more than six months, or both.

**Sec. 60.18 False police, fire or emergency call.** It shall be unlawful to make or aid and abet in making, with intent to deceive, any false and fictitious alarm or call for police aid or protection, or any false and fictitious report or alarm of fire or other catastrophe.

False alarm of fire, RC § 2923.26.

Penalty, § 76.2 herein.

**Sec. 60.20 Aiding escape of prisoner.** Whoever conveys or attempts to convey anything to effect the escape of any prisoner charged with or convicted of a misdemeanor, and held in jail or otherwise in lawful custody within this municipality, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not more than three months, or both. (RC § 2917.14)

**Sec. 60.22 Escape or attempt to escape from authority.** Whoever, being a prisoner charged with or convicted of a misdemeanor, and held in jail or otherwise in lawful custody within this municipality, escapes or attempts to escape from said jail or the person having custody, shall be fined not more than two hundred dollars and imprisoned not more than thirty days or both, such sentence to commence from and after the expiration of sentence resulting from the arrest under which said prisoner was in custody. (RC § 2917.23)

**Sec. 60.24 Interference with authorized persons at emergency scenes.** No person shall willfully obstruct, impede, or hamper in any way the lawful operations of sheriffs, policemen, or other law enforcement officers, or firemen, rescue personnel, medical personnel, or other authorized persons, at the scene of fires, accidents, disasters, or emergencies of any kind, and no person shall willfully fail to obey the lawful orders of sheriffs, policemen, or other law enforcement officers, engaged in the performance of their duties at the scene of or in connection with fires, accidents, disasters, or emergencies of any kind.

Whoever violates this section shall be fined not less than fifty nor more than five hundred dollars, or imprisoned in a county jail or workhouse not less than thirty days nor more than six months, or both. Nothing in this section shall be construed to limit access or deny information to any news media representatives in the lawful exercise of their duties. (RC § 2923.43)

**Sec. 60.26 Apprehension of juvenile escapees.** Any sheriff, deputy sheriff, constable, officer of state or local police, or employee of the youth commission shall apprehend any child who has escaped from an institution under the jurisdiction of the youth commission and return him. The written request of the superintendent of the institution from which the child has escaped shall be sufficient cause to authorize the apprehension and return of the child to the institution. Such request shall state the name and description of the child, that the child is under the jurisdiction of the youth commission, and that the superintendent has personal knowledge that the child has escaped. A child so apprehended may be confined in the detention home of the county in which he is apprehended until removed to the proper institution. (RC § 5139.19.1)

## CHAPTER 62: OFFENSES AGAINST THE PERSON

### Section

- 62.2 Assault; assault and battery.
- 62.4 Abusing family.
- 62.6 Throwing or projecting missile.
- 62.8 Pocket-picking; attempt.

**Sec. 62.2 Assault; assault and battery.** Whoever unlawfully assaults or threatens another in a menacing manner, or unlawfully strikes or wounds another, shall be fined not more than two hundred dollars, or imprisoned not more than six months or both. (RC § 2901.25)

**Sec. 62.4 Abusing family.** It shall be unlawful for any person to abuse or threaten his family or household or any member thereof.

For the purpose of enforcing the provisions of this section, it shall be lawful for a police officer to enter any house or other building to effect the arrest of any person violating the same.

Penalty, § 76.2 herein.

**Sec. 62.6 Throwing or projecting missile.** It shall be unlawful for any person intentionally and without malice to throw or to shoot from a slingshot, air gun or other device a pellet or missile at or toward a person, house, building, vehicle or other property which might be injured or damaged thereby, or to strike or wound a person or injure or damage any such property by such act.

Penalty, § 76.2 herein.

Statutory provisions, RC §§ 3773.03, 3773.04.

**Sec. 62.8 Pocket-picking; attempt.** Any person who otherwise than by force or violence, or by putting in fear, attempts to steal and take from the person of another anything of value shall be fined not more than five hundred dollars. (RC § 715.49)



## CHAPTER 64: OFFENSES PERTAINING TO PROPERTY

### Section

- 64.2 Larceny.
- 64.4 Receiving stolen property.
- 64.6 Obtaining property or signature by false pretense.
- 64.8 Larceny by trick.
- 64.9 Misuse of credit cards.
- 64.10 Slugs in coin operated devices.
- 64.12 Embezzlement.
- 64.14 Conversion.
- 64.16 Malicious destruction of public or other property.
- 64.18 Malicious destruction of public or other plant life.
- 64.20 Tampering with or removing municipal property.
- 64.22 Possession of property belonging to the municipality.
- 64.24 Trespassing upon lands or premises of another.
- 64.26 Removing any part of motor vehicle.
- 64.28 Starting or changing any device of motor vehicle.
- 64.30 Posting bills on buildings without consent of owner.
- 64.32 Shoplifting; penalty; prior conviction.

**Sec. 64.2 Larceny.** No person shall steal anything of value. Whoever violates this section is guilty of larceny, and if the value is less than sixty dollars and the person is charged and proved to have been previously convicted, by a judgment which has not been reversed or vacated, of having stolen anything less than sixty dollars in value, such person shall be fined not more than five hundred dollars and imprisoned not less than thirty days nor more than one year. A certified copy of the judgment entry of conviction of such offense is prima facie evidence of any fact recited therein. (RC § 2907.20)

If the amount exceeds sixty dollars or the thing stolen is a firearm the offense is a felony.

**Sec. 64.4 Receiving stolen property.** Whoever buys or receives or conceals anything of value less than sixty dollars which has been stolen, taken by robbers, embezzled, or obtained by false pretense, knowing it to have been stolen, taken by robbers, embezzled, or obtained by false pretense, shall be fined not more than three hundred dollars or imprisoned not more than ninety days, or both. (RC § 2907.30)

If the amount exceeds sixty dollars, the offense is a felony.

**Sec. 64.6 Obtaining property or signature by false pretense.**

Whoever, by false pretense and with intent to defraud, obtains anything of value or procures the signature of another as maker, indorser or guarantor to a bond, bill, receipt, promissory note, draft, check or other evidence of indebtedness, or whoever sells, barters or disposes of a bond, bill, receipt, promissory note, draft or check or offers so to do, knowing the signature of the maker, indorser or guarantor thereof to have been obtained by false pretense, if the value of the property or instrument so procured, sold, bartered or disposed of, or offered to be sold, bartered or disposed of, is less than sixty dollars, shall be fined not more than three hundred dollars or imprisoned not less than ten days nor more than ninety days, or both. (RC § 2911.01)

If the amount exceeds sixty dollars, the offense is a felony.

**Sec. 64.8 Larceny by trick.** No person shall obtain possession of, or title to, anything of value with the consent of the person from whom he obtained it, provided he induced such consent by false or fraudulent representation, pretense, token, or writing.

Whoever violates this section is guilty of larceny by trick, and if the value is less than sixty dollars, such person shall be fined not more than three hundred dollars or imprisoned not more than ninety days, or both. (RC § 2907.21)

If the amount is sixty dollars or more the offense is a felony.

**Sec. 64.9 Misuse of credit cards.** (A) As used in this section and section 1319.01 of the Revised Code:

(1) "Cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(2) "Credit card" means an instrument or device whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods or services or anything else of value, either on credit or in consideration of an undertaking or guarantee by the issuer or the payment of a check drawn by the cardholder.

(3) "Expired credit card" means a credit card which shows on its face it has elapsed.

(4) "Issuer" means the business organization or financial institution which issues a credit card, or its duly authorized agent.

(5) "Receives" or "receiving" means acquiring possession or control of a credit card or accepting it as a security for a loan.

(6) "Revoked credit card" means a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

(B) No person shall make or cause to be made, either directly or indirectly, any false statement in writing as to a material fact, knowing it to be false and with the intent that it be relied on respecting his identity or that of any other person, firm, or corporation or his financial condition or that of any other person, firm, or corporation, for the purpose of procuring the issuance of a credit card, where such false statement is actually relied upon by the issuer in issuing a credit card to the person making such false statement.

(C) No person shall take a credit card from the person, possession, custody, or control of another without the cardholder's consent, and no person shall receive a credit card with knowledge that it has been so taken with intent to use or sell it, or transfer it to a person other than the issuer or the cardholder.

(D) No person who receives a credit card that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder shall retain possession of such card with intent to use it, sell it, or transfer it to a person other than the issuer or the cardholder.

(E) No person shall buy or sell a credit card from a person other than the issuer.

(F) No person shall, with intent to defraud the issuer, a person or organization providing money, goods, services, or anything else of value, or any other person, obtain control over a credit card as security for debt.

(G) No person shall, with intent to defraud a purported issuer or a person or organization providing money, goods, services, or anything else of value, or any other person, falsely make, emboss, or utter a purported credit card, and no such person shall alter a credit card which was validly issued without the authorization of the named issuer. A person falsely embosses a credit card when, without the authorization of the issuer, he completes such credit card by adding any matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder.

(H) No person other than the cardholder or a person authorized by him shall, with intent to defraud the issuer, a person or organization providing money, goods, services, or anything else of value, or any other person, sign a credit card.

(I) No person shall, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, use for the purpose of obtaining or attempting to obtain money, goods, services, or anything else of value, a credit card obtained or retained in violation of this

section or use a credit card which he knows is forged, expired, or revoked, or obtain or attempt to obtain money, goods, services, or anything else of value by representing, without the consent of the cardholder, that he is the holder of a specified card or that he is the holder of a card, when such card has not been issued.

(J) No person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a credit card by the cardholder, and no agent or employee of such person shall, with intent to defraud the issuer or the cardholder, furnish money, goods, services, or anything else of value upon presentation of a credit card obtained or retained in violation of this section.

(K) No person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a credit card by a cardholder or any agent or employee of such person shall, with intent to defraud the issuer or the cardholder, fail to furnish money, goods, services, or anything else of value which he represents in writing to the issuer that he has furnished.

(L) No person shall receive money, goods, services, or anything else of value obtained in violation of this section, knowing or believing that it was so obtained. A person who obtains at a discount price a ticket issued by an airline, railroad, steamship, or other transportation company, which was acquired in violation of this section, without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it, shall be presumed to know that such ticket was acquired under the circumstances constituting a violation of this section.

(M) This section shall not be construed to preclude the applicability of any other provision of the criminal law of this state, unless such provision is inconsistent with the terms of this section.

(N) Whoever violates this section shall be fined not more than three hundred dollars or imprisoned not more than ninety days, or both. (RC § 2907.201)

If the value of the article stolen is sixty dollars or more the offense is a felony.

**Sec. 64.10 Slugs in coin operated devices.** Whoever shall insert or deposit, or attempt to insert or deposit, any substance, slug, token or spurious coin, as the equivalent of money, in a slot of any automatic telephone instrument or other coin operated device into which money may be deposited for telephone calls or other service; or shall tamper, in any manner, with any such coin device or telephone shall be fined not more than fifty dollars



or imprisoned not exceeding thirty days, or both, for each and every such offense.

Penalty, § 76.2 herein.

Statutory provisions, RC § 2911.35.

**Sec. 64.12 Embezzlement.** Whoever, being an officer, attorney-at-law, agent, clerk, guardian, executor, executrix, administrator, administratrix, trustee, assignee in insolvency, receiver, officer of a lodge or subordinate body of a fraternal or mutual benefit society, servant or employe of a person, except an apprentice or person under eighteen years of age, embezzles or converts to his own use, fraudulently takes or makes away with, or secretes with intent to embezzle or convert to his own use any thing of value which shall come into his possession by virtue of his election, appointment or employment thereto, if the total value is less than sixty dollars shall be fined not more than three hundred dollars or imprisoned not more than ninety days or both. (RC § 2907.34)

If the amount exceeds sixty dollars, the offense is a felony.

**Sec. 64.14 Conversion.** Whoever, with intent to defraud, sells, secretes, destroys, converts to his own use, or otherwise disposes of chattels, goods, merchandise, or personal property,



such credit card has been issued at his last known address and such person has failed to notify the issuer of a change of such address for a period of ninety days following such change of address.

An expired credit card as used in this section means a credit card which shows by date on its face that it has expired.

Whoever violates this section is guilty of larceny by trick, and if the value is less than sixty dollars, such person shall be fined not more than three hundred dollars or imprisoned not more than ninety days, or both. (RC § 2907.21)

If the amount exceeds sixty dollars, the offense is a felony.

**Sec. 64.10 Slugs in coin operated devices.** Whoever shall insert or deposit, or attempt to insert or deposit, any substance, slug, token or spurious coin, as the equivalent of money, in a slot of any automatic telephone instrument or other coin operated device into which money may be deposited for telephone calls or other service; or shall tamper, in any manner, with any such coin device or telephone shall be fined not more than fifty dollars or imprisoned not exceeding thirty days, or both, for each and every such offense.

Penalty, § 76.2 herein.

Statutory provisions, RC § 2911.35.

**Sec. 64.12 Embezzlement.** Whoever, being an officer, attorney-at-law, agent, clerk, guardian, executor, executrix, administrator, administratrix, trustee, assignee in insolvency, receiver, officer of a lodge or subordinate body of a fraternal or mutual benefit society, servant or employe of a person, except an apprentice or person under eighteen years of age, embezzles or converts to his own use, fraudulently takes or makes away with, or secretes with intent to embezzle or convert to his own use any thing of value which shall come into his possession by virtue of his election, appointment or employment thereto, if the total value is less than sixty dollars shall be fined not more than three hundred dollars or imprisoned not more than ninety days or both. (RC § 2907.34)

If the amount exceeds sixty dollars, the offense is a felony.

**Sec. 64.14 Conversion.** Whoever, with intent to defraud, sells, secretes, destroys, converts to his own use, or otherwise disposes of chattels, goods, merchandise, or personal property,

the possession of which has been given to him in trust, pledge, bailment or on deposit, or under an agreement to purchase it on installment payments or otherwise, shall be fined not more than five hundred dollars or imprisoned not more than three months, or both. (RC § 2907.39)

**Sec. 64.16 Malicious destruction of public or other property.**

Whoever maliciously destroys or injures public property of this municipality or other property not his own, if the value of the property destroyed or the injury done is less than one hundred dollars, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. (RC § 2909.01)

If the value exceeds one hundred dollars, the offense is a felony.

**Sec. 64.18 Malicious destruction of public or other plant life.** Whoever maliciously cuts down, destroys or injures a standing or growing vine, bush, shrub, sapling or tree of this municipality or any other person, or maliciously injures, destroys or severs from publicly owned or controlled land of the municipality or the land of another, a product standing or growing thereon, or other thing attached thereto, if the value of the product or thing destroyed or the amount of the damage done to such product or thing or to the land is less than sixty dollars, shall be fined not less than five dollars nor more than three hundred dollars or imprisoned not less than one day nor more than ninety days. (RC § 2909.02)

If the amount exceeds sixty dollars, the offense is a felony.

**Sec. 64.20 Tampering with or removing municipal property.**

It shall be unlawful to maliciously tamper with, injure, destroy, steal or remove any lamp, lantern, lamp post, pole, cable, electric line, tool, hose, pipe, conduit, road material, earth, stone, ordinance or other posted notice, street sign, or any other property or material owned or under the supervision or control of this municipality or any department thereof. Any person violating this section shall be fined not more than two hundred dollars or imprisoned not more than thirty days or both.

**Sec. 64.22 Possession of property belonging to the municipality.** Whoever, without being duly authorized, shall have in his control or possession any equipment, tools, implements, or

other property belonging to the municipality, shall be fined not more than fifty dollars nor less than five dollars. (RC § 5589.12)

**Sec. 64.24 Trespassing upon lands or premises of another.**

Whoever, being about to enter unlawfully upon the lands or premises of another, is forbidden so to do by the owner or occupant, his agent or servant, or, being unlawfully upon the lands or premises of another, is notified to depart therefrom by the owner or occupant, his agent or servant, and thereafter enters upon such land or premises, or neglects or refuses to depart therefrom, shall be fined not less than one dollar nor more than five dollars. (RC § 2909.21)

**Sec. 64.26 Removing any part of motor vehicle.** No person shall maliciously or with intent to steal or without authority from the owner remove from any motor vehicle any portion of the running or steering gear, pump, or any tire, rim, cover, tube, clock, casing, radiator, fire extinguisher, tool, lamp, starter, battery, coil, spring, gas or oil tank, bell or any signal device, speedometer, license number, horn, box, basket, trunk or carrier, shield, hood, oiler, gauge, grease cup, chain, lock nut, bracket, valve, bolt, rod, cap, screws, wire, spark plug, carburetor, magnet, pipe, fan, belt, cylinder, switch, brake, electric bulbs, or any device, emblem, or monogram thereon, any attachment, fastening, or other appurtenance, or any part attached to said motor vehicle which is necessary in the use, control, repair, or operation thereof, except that 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.

No person shall knowingly buy, receive, or have in his possession any of such unlawfully removed articles or any part thereof. (RC § 4549.05)

**Sec. 64.28 Starting or changing any device of motor vehicle.**

Whoever purposely and without authority from the owner, shall start or cause to be started, the motor of any motor vehicle or whoever purposely and maliciously shall shift or change the starting device or gears of a standing motor vehicle to a posi-

tion other than that in which they were left by the owner or driver of said motor vehicle, or whoever shall purposely cut, mark, scratch or damage the chassis, running gear, body, sides, top, robe, covering or upholstering of a motor vehicle, the property of another, or shall purposely destroy any part thereof with or by any liquid or other substance, or shall cut, mark, mash, or in any other way destroy or damage the cylinder, radiator, steering gear, fire extinguisher, fan, belt, valve, pipe, wire, cap, lamp, gas or oil tank, cup signal device, clock, chain, tool, coil, spring, speedometer, starter, battery, spark-plug, brake, tool box, oiler, pump, switch, nut, casting, tire, rim, tube, box, basket, trunk or carrier, rod, bolt, shield fender, bracket, gauge, glass, hood, lock, cap, screw, carburetor, magneto, license number, electric bulb, or any device, emblem, monogram or other attachment, fastening or other appurtenance of a motor vehicle, without the permission of the owner thereof, or whoever purposely shall drain or start the drainage of any radiator or oil tank upon a motor vehicle, without permission of the owner thereof, or whoever, purposely shall put any metallic or other substance or liquid, in the radiator, carburetor, oil tank, grease-cup, oilers, lamps, or machinery of a motor vehicle, with the intent to injure or damage the same or impede the working of the machinery, or other fastening on a motor vehicle or whoever shall purposely release the brake upon a standing motor vehicle, with the intent to injure said machine, shall upon conviction thereof, be imprisoned not more than three months nor less than thirty days, or fined not more than one hundred dollars nor less than fifty dollars. (RC § 4549.06)

**Sec. 64.30 Posting bills on buildings without consent of owner.** No person shall paint, print, paste, stencil, or otherwise mark, place upon, or affix to a building, fence, wall, or tree without the consent of the owner thereof, a word, letter, character, figure, sentence, or device, or a handbill or notice.

Whoever violates this section shall be fined not less than ten nor more than fifty dollars.

This section does not apply to the posting of a handbill or notice of public sale by a sheriff, administrator, executor, or licensed auctioneer, or a notice required by law to be posted. (RC § 2909.13)

**Sec. 64.32 Shoplifting; penalty; prior conviction.** (A) No person shall willfully alter any label, price tag, or marking upon any merchandise offered for sale by any store or other retail

mercantile establishment with the intention of depriving the owner of all or some part of the value thereof.

(B) No person shall willfully transfer any merchandise offered for sale by any store or other retail mercantile establishment from the container in or on which the same shall be displayed to any other container with intent to deprive the owner of all or some part of the value thereof.

(C) Whoever violates division (A) or (B) of this section is guilty of shoplifting, and shall be fined not more than three hundred dollars or imprisoned not more than ninety days, or both. If a violator is charged and proved to have been previously convicted, by a judgment which has not been reversed or vacated, of a violation of this section, of a violation under section 2907.20 of the Revised Code where the value of the thing stolen was less than sixty dollars, or of an identical offense under a municipal ordinance, then whoever violates division (A) or (B) of this section shall be fined not more than five hundred dollars and imprisoned not less than thirty days nor more than one year. A certified copy of the judgment entry of conviction of such offense shall be prima facie evidence of any fact recited therein. (RC § 2907.48)

merchandise establishment with the intention of depriving the owner of all or some part of the value thereof.

(B) No person shall willfully transfer any merchandise offered for sale by any store or other retail mercantile establishment from the container in or on which the same shall be displayed to any other container with intent to deprive the owner of all or some part of the value thereof.

(C) Whoever violates division (A) or (B) of this section is guilty of shoplifting, and shall be fined not more than thirty dollars or imprisoned not more than ninety days, or both. If a violator is charged and proved to have been previously convicted by a judgment which has not been reversed or vacated of a violation of this section, or of a violation under section 2907.21 of the Revised Code, where the value of the thing stolen was less than sixty dollars, or of an identical offense under a municipal ordinance, then whenever violator division (A) or (B) of this section shall be fined not more than five hundred dollars and imprisoned not less than thirty days nor more than one year. A certified copy of the judgment entry or conviction of such offense shall be prima facie evidence of any fact testified therein.

(RC § 3003.32)



## CHAPTER 66: OFFENSES AGAINST PUBLIC PEACE

### Section

- 66.2 Disturbing peace; disorderly conduct.
- 66.4 Disturbing peace; intoxication.
- 66.6 Penalty for disturbing peace.
- 66.8 Disturbing sounds or noises in public places.
- 66.10 Other loud noises.
- 66.12 Permitting rioting, revelling and intoxication in public place.
- 66.14 Disturbing meetings.
- 66.16 Scattering itching powder, etc.

**Sec. 66.2 Disturbing peace; disorderly conduct.** It shall be unlawful for any person to annoy a citizen or disturb the good order and quiet of this municipality by making a clamor or noise in the night season; by provoking or engaging in a fight or quarrel; by using obscene or profane language audible in the streets or other public place, or by conducting himself in a noisy, boisterous, rude or other disorderly manner.

Any person permitting or suffering such act or acts of conduct to be committed within or about his room, house, building, or premises shall be deemed an aider and abettor in the violation of this section.

For the purpose of enforcing the provisions of this section it shall be lawful for a police officer to enter any room, house, building or premises in which a violation occurs.

Penalty, § 66.6 herein.

**Sec. 66.4 Disturbing peace; intoxication.** Whoever disturbs the good order of this municipality by being found in a state of intoxication or whoever, being intoxicated, shall disturb the peace and good order, or shall conduct himself in a disorderly manner, shall be guilty of a misdemeanor. (RC § 3773.22)

Penalty, § 66.6 herein.

**Sec. 66.6 Penalty for disturbing peace.** Whoever violates either of the two foregoing sections shall be punished, for a first offense, by a fine of not more than fifty dollars; for the second offense, a fine of not more than fifty dollars or imprison-

ment of not more than thirty days, or both; for a third or subsequent offense, a fine of not more than fifty dollars or imprisonment of not more than ninety days, or both.

**Sec. 66.8 Disturbing sounds or noises in public places.** It shall be unlawful for the owner, keeper, manager, or any person in charge or control of a hotel, night club, restaurant, dance or amusement hall, tavern or other public place, to engage in or permit the playing of musical or other instruments, singing, loud talking or the making of other noises in or about the premises in such manner as to disturb the peace and quiet of the neighborhood during the night season after 11:00 p.m. The affidavit charging an offense under this section shall state the hour at which the offense is alleged to have occurred.

Penalty, § 76.2 herein.

**Sec. 66.10 Other loud noises.** It shall be unlawful for any person to operate or cause to be operated any whistle, rattle, bell, gong, clapper, hammer, drum, horn, player piano, calliope, radio, phonograph, or other sound producing or sound amplifying instrument or otherwise to create noise or sound in such manner as to disturb the peace and quiet of a neighborhood or to interfere with the transaction of business or other ordinary pursuits. Any violation of this section shall be punishable by a fine of not to exceed twenty-five dollars; but nothing herein shall be construed to affect the usual and reasonable operation of steam railroads, electric railways and motor buses, or to prohibit the reasonable use of automobile warning signals, the reasonable ringing of church bells or the reasonable and ordinary noises attendant on athletic contests or lawful public or semi-public meetings, parades or celebrations.

**Sec. 66.12 Permitting rioting, revelling and intoxication in public place.** It shall be unlawful for the owner, keeper, manager or any person in charge or control of a hotel, night club, restaurant, dance or amusement hall, tavern or other public place, to engage in or suffer to permit rioting, revelling, intoxication or drunkenness in or about his place of business or premises. (RC § 4399.16)

Penalty, § 76.2 herein.

**Sec. 66.14 Disturbing meetings.** It shall be unlawful to wilfully interrupt or disturb a lawful assemblage of persons or a person while he is at or about the place where such assemblage is to be held, or is or has been held. (RC § 3761.11)

Penalty, § 76.2 herein.

**Sec. 66.16 Scattering itching powder, etc.** Any person who shall distribute, spread, scatter or set free in any school, theatre, hall, or other place of public assemblage, any one or more of the articles known as itching powders, sneezing powders, stink bombs, or any article used for the purpose of producing itching, sneezing by irritation or nauseous or annoying smells or odors, shall on conviction thereof, be fined not less than twenty dollars nor more than fifty dollars.



## **CHAPTER 68: UNDESIRABLE PERSONS AND THEIR PUNISHMENT**

### **Section**

- 68.2 Vagrant, loiterer.
- 68.4 Common street beggar.
- 68.6 Common prostitute.
- 68.8 Common gambler.
- 68.10 Suspicious person.
- 68.12 Appearance in public places an offense.

**Sec. 68.2 Vagrant, loiterer.** Whoever not having a legitimate business or visible means of support, by day or night, loiters in an idle, disreputable or wandering way upon the streets, alleys or public places or about any tavern, barroom, pool-room, theatre, public show, carnival, circus or exhibition in the municipality, without being able to give a satisfactory account of himself; or lurks or prowls at night about or upon the premises of any person without being able to account satisfactorily for his actions or presence, shall be deemed a vagrant and upon conviction thereof, shall for a first offense be fined not more than fifty dollars; for a second offense, not more than fifty dollars or imprisoned not more than thirty days, or both; for a third and each subsequent offense, not more than fifty dollars or imprisoned not more than six months, or both.

**Sec. 68.4 Common street beggar.** Whoever begs or solicits alms or charity in his own behalf or that of a companion beggar, upon the streets or other public places of this municipality, shall be deemed a common street beggar and upon conviction thereof shall be fined not less than one dollar nor more than ten dollars.

**Sec. 68.6 Common prostitute.** Whoever, being a female person over the age of sixteen years, offers her body to intercourse with any male person for money or thing of value; or is known to have promiscuous sexual relations with male persons with or without compensation; or to keep or frequent a house or place of ill fame; or, unrelated by blood, to be an intimate

companion and associate of another prostitute, shall be deemed a common prostitute, and upon conviction thereof shall for a first offense be fined not more than fifty dollars; for a second offense, not more than fifty dollars or imprisoned not more than thirty days, or both; for a third and each subsequent offense, not more than fifty dollars or imprisoned not more than six months, or both.

Penalty for keeping a disorderly house, § 70.10 herein.

**Sec. 68.8 Common gambler.** Whoever engages in gambling for a livelihood, or is without a fixed residence and is in the habit or practice of gambling, shall be deemed a common gambler and upon conviction thereof, shall for a first offense be fined not more than fifty dollars; for a second offense, not more than fifty dollars or imprisoned not more than thirty days, or both; for a third and each subsequent offense, not more than fifty dollars or imprisoned not more than ninety days, or both. With each conviction he shall be required to give security in the sum of five hundred dollars for his good behavior for one year. (RC § 2915.14)

**Sec. 68.10 Suspicious person.** Whoever, not being licensed or privileged by state and federal law to possess it, is found with opium, opium pipe, cocaine, heroin, cannabis indica, cannabis sativa, marihuana or other narcotic drug in his possession; and any person in whose possession shall be found concealed any device, tool, instrument or thing for use in the commission of burglary, larceny or other crime, or for picking locks or pockets, or for use in obtaining money or other property of value by swindle, trick or false pretense; and any person who is known to obtain his living by criminal means and practices or who is known to be a companion and associate of criminals or other dissolute persons, shall be deemed a suspicious person, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned, or both; such imprisonment for the first offense, not to exceed thirty days; for the second offense, ninety days; and for a third and each subsequent offense, six months.

**Sec. 68.12 Appearance in public places an offense.** It shall be unlawful for any vagrant, common street beggar, common prostitute, common gambler or suspicious person as defined by this Code of Ordinances, or any habitual disturber of the peace,

known pickpocket, burglar or thief, or any person who practices any trick, game or device with intent to swindle, to appear by day or night upon the streets, alleys or public places of this municipality. Each such appearance shall constitute a separate offense. (RC § 715.55)

Penalty, § 76.2 herein.





## **CHAPTER 70. OFFENSES AGAINST MORALS AND DECENCY**

### **Section**

- 70.2 Indecent exposure; obscene language.
- 70.4 Indecent performance.
- 70.6 Harboring lewd woman.
- 70.8 Pandering.
- 70.10 Keeping disorderly house.
- 70.12 Adultery; fornication.
- 70.14 Indecent publications.

**Sec. 70.2 Indecent exposure; obscene language.** Whoever, being over eighteen years of age, shall wilfully make an indecent exposure of his person in a public place or in a place where there are other persons to be offended or annoyed thereby, or by uttering obscene or licentious language in the presence or hearing of a female or a child under twelve years of age, shall be fined not more than two hundred dollars or imprisoned not more than six months, or both. (RC §§ 2905.30; 2905.30.1)

**Sec. 70.4 Indecent performance.** It shall be unlawful for any person to give, stage, manage or promote, or to act or take part in any performance in any theatre, night club, tavern, hotel, circus or carnival ground, or other room or place within the municipality, in which obscene, licentious, lascivious or indecent language, song, gesture, attire or conduct is used or exhibited. It shall not be a defense to prosecution under this act that no admission fee was charged, that the performance was unrehearsed and impromptu or that the performance or place was licensed in any manner by municipal, county or state authority.

Penalty, § 76.2 herein.

**Sec. 70.6 Harboring lewd woman.** Whoever shall harbor or keep about his premises any common prostitute, and permit her to follow a lewd course of life, shall be fined not exceeding fifty dollars or imprisoned not more than thirty days, or both.

Penalty for being a common prostitute, § 68.6 herein.

**Sec. 70.8 Pandering.** Whoever is supported in whole or in part by any prostitute, or who is interested as employer, partner or agent in the proceeds or profits of prostitution or any act thereof, or who receives as a gift or gratuity any part of the proceeds of any prostitute's gain, shall be deemed to be participating in the proceeds of prostitution, and shall be fined not less than five dollars nor more than fifty dollars for each offense.

**Sec. 70.10 Keeping disorderly house.** Whoever keeps a house or place of ill fame or assignation for the purpose of prostitution or lewdness, or a house or place for persons to visit for unlawful sexual intercourse, or for any other lewd, obscene or indecent purpose, or a disorderly house or place where intoxicating liquors are unlawfully sold or given away, or a place where persons meet and are unlawfully furnished intoxicating liquor, or a place of public resort by which the peace, comfort or decency of a neighborhood is disturbed; or, as agent or owner, lets a place, building or portion thereof, knowing that it is intended to be used for a purpose specified in this section, shall be fined not less than one hundred dollars nor more than three hundred dollars. The house or place mentioned in this section shall be deemed a public nuisance and the court shall order it abated. (RC § 2905.14)

**Sec. 70.12 Adultery; fornication.** Whoever cohabits in a state of adultery or fornication shall be fined not more than two hundred dollars and imprisoned not more than three months. (RC § 2905.08)

**Sec. 70.14 Indecent publications.** Whoever shall print, engrave, sell, offer for sale, give away, exhibit or publish, or have in his possession for the purpose of selling, exhibiting, or giving away, any obscene, lewd, lascivious, indecent or immodest book, pamphlet, paper, picture, image, or representation, or any other article of an indecent or immoral nature, shall be fined not more than fifty dollars.

Statutory provisions, RC §§ 2905.33, 2905.34.

## CHAPTER 72: GAMBLING

### Section

- 72.2** Gambling place.
- 72.4** Keepers of public resort permitting games.
- 72.6** Gambling; lottery slips.
- 72.8** Gambling; racing slips.
- 72.10** Playing a game or making a bet for money.
- 72.12** Exhibiting gaming device for gain.
- 72.14** Permitting minor to play slot-machine.
- 72.16** Gambling devices destroyed.

**Sec. 72.2 Gambling place.** Whoever shall keep a room, building, arbor, booth, shed, tenement or other establishment to be used or occupied for gambling, or knowingly shall permit it to be so used or occupied, or, being the owner thereof, shall rent it to be so used or occupied, shall be fined not less than thirty dollars nor more than five hundred dollars. (RC § 2915.01)

**Sec. 72.4 Keepers of public resort permitting games.** Whoever, being a keeper of a tavern, ordinary or house of public resort, permits a game for a wager to be played therein or in an out-house, building, or erection appendant thereto, shall be fined not less than fifty dollars nor more than two hundred dollars. (RC § 2915.05)

**Sec. 72.6 Gambling; lottery slips.** It shall be unlawful for any person knowingly to have in his possession, or in his custody, or under his control, any writing, paper or document representing or being a record of any chance, share or interest in numbers, sold, drawn or to be drawn in any lottery by whatever name known; or any written or printed paper, policy slip, device or article of any kind, such as is commonly used in carrying on, promoting or playing a lottery, by whatever name known.

Statutory provisions, RC § 2915.10 et seq.

Penalty, § 76.2 herein.

**Sec. 72.8 Gambling; racing slips.** It shall be unlawful for any person knowingly to have in his possession, or in his custody, or under his control, any writing, slip, paper or document which

represents or is a memorandum of, or is evidence of, or is intended to be used as a memorandum or evidence of, or which is designed or intended to be used in the process of making, settling, paying, registering, evidencing or recording any wager upon the result of a trial or contest of skill, speed or power of endurance of any beast.

Penalty, § 76.2 herein.

**Sec. 72.10 Playing a game or making a bet for money.** Whoever plays a game for money or other thing of value or makes a wager for money or other thing of value, shall be fined not more than one hundred dollars or imprisoned not less than ten days nor more than six months, or both. (RC § 2915.06)

**Sec. 72.12 Exhibiting gaming device for gain.** Whoever keeps or exhibits for gain or to win or gain money or other property, a gambling table, or faro or keno bank, or a gambling device or machine, or keeps or exhibits a billiard table for the purpose of gambling or allows it to be so used, shall be fined not less than fifty dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days, and shall give security in the sum of five hundred dollars for his good behavior for one year. (RC § 2915.15)

**Sec. 72.14 Permitting minor to play slot-machine.** It shall be unlawful to permit any minor to play, use or deposit money in any slot-machine, or any gambling device, whether the reward or gain which may be obtained thereby is in the shape of money, cigars, cigarettes, drinks, or any other commodity, or checks exchangeable therefor.

Penalty, § 76.2 herein.

**Sec. 72.16 Gambling devices destroyed.** Any law enforcement officer upon discovery of a gambling device, race or lottery slip or other gambling apparatus, shall immediately seize and cause the same to be destroyed. Whenever the mayor ascertains or receives satisfactory information that there is any instrument or device used for the purpose of gambling, kept for such purpose in the village, he shall forthwith issue an order to the marshal or chief of police to cause such instrument or device to be seized, and when so seized, to be destroyed.

## CHAPTER 74: MISCELLANEOUS OFFENSES

### Section

74.2 Unvented gas heaters.

74.4 Abandoned refrigerators.

**Sec. 74.2 Unvented gas heaters.** Whoever, being an owner or occupant of any rental residence, apartment, flat, tenement, room, or like living quarters or any other person, installs, uses, or causes, or permits to be installed or used in such residence, apartment, flat, tenement, or room, a gas-fired space or room heating apparatus, and such apparatus is not vented to a flue or gas vent so as to vent the products of combustion to the outdoors, shall be fined not more than fifty dollars, and a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

This section does not apply to domestic gas ranges, domestic laundry stoves, gas log heaters which are installed in a fireplace with an adequate flue, and domestic hot plates, unless they are used as space or room heaters, and nothing in this section shall prohibit the installation of unvented gas heaters in areas not used as a residence, apartment, flat, room, or like living quarters where ventilation is provided. (RC § 2923.251)

**Sec. 74.4 Abandoned refrigerators.** Whoever shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with a hinge, latch or other fastening device capable of securing such door or lid, without rendering said equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein, shall be fined not less than twenty-five nor more than fifty dollars, and a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman. (RC § 3767.29)

# CHAPTER 78 MISCELLANEOUS OFFENSES

Section	
742	Unvented gas heaters
743	Abandoned refrigerators

Sec. 742. Unvented gas heaters. Whenever being an owner or occupant of any rental residence, apartment, flat, tenement, room, or like living quarters or any other person, installs, uses, or causes to be installed or used in such residence, apartment, flat, tenement, or room, a gas-fired space or room heating apparatus, and such apparatus is not vented to a flue or gas vent so as to vent the products of combustion to the outdoors, shall be fined not more than fifty dollars, and a separate offense shall be deemed committed upon each day during which the violation occurs or continues.

This section does not apply to domestic gas ranges, domestic laundry stoves, gas log heaters which are installed in a fireplace with an adequate flue, and domestic hot plates, unless they are used as space or room heaters, and nothing in this section shall prohibit the installation of unvented gas heaters in a residence, apartment, flat, room, or like living quarters where ventilation is provided. (HC § 262322)

Sec. 743. Abandoned refrigerators. Whenever shall alone, alone, discard, or knowingly permit to remain in premises under his control, in a place accessible to children, any abandoned or discarded refrigerator, refrigerator, or other article of household light containers which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with a hinge, latch or other fastening device capable of securing such door or lid without rendering said equipment inoperative to human life by removing such hinge, latch or other fastener which may cause a person to be confined therein, shall be fined not less than twenty-five nor more than fifty dollars, and a separate offense shall be deemed committed upon each day during which the violation occurs or continues. If a person shall be liable to an offense, violation or other article which is a light container located in that part of a building known as a kitchen, bathroom or apartment. (HC § 262323)

## **CHAPTER 76: PENALTIES**

### **Section**

#### **76.2      General penalty for misdemeanors.**

**Sec. 76.2 General penalty for misdemeanors.** Each act or omission which is prohibited or declared unlawful in this Code of Ordinances is a misdemeanor, and in case no penalty of fine or imprisonment is otherwise provided, the offender, upon conviction, shall be fined not more than fifty dollars for each offense.

CHAPTER IV. PENALTIES.

25-100

(General penalty for non-payment.)

Sec. 111. General penalty for non-payment. Each and every person who is guilty of an offense under this Ordinance which is prohibited or restricted under this Ordinance is a misdemeanor, and in case of penalty of fine or imprisonment is authorized provided the offender upon conviction shall be fined not more than fifty dollars for each offense.



## TITLE XII: FINAL PROVISIONS

### CHAPTER 86: REPEALING AND SAVING CLAUSES

#### Section

- 86.2 Ordinances specifically repealed.  
86.4 Ordinances specifically saved.

**Sec. 86.2 Ordinances specifically repealed.** The following ordinances heretofore adopted are hereby repealed:

<i>Number</i>	<i>Subject</i>
226	Loitering.

**Sec. 86.4 Ordinances specifically saved.** None of the provisions of this Code of Ordinances shall be deemed in any manner to constitute a repeal of the following ordinances heretofore adopted, or to affect their enforceability:

<i>Number</i>	<i>Subject</i>
216	House numbers.
217	Zoning.
219	Building permits. ✓
223	Combining clerk and treasurer's office.
<del>228</del>	<del>Keeping of animals.</del>
238	Motor vehicle pound.
<del>249</del>	<del>Salaries.</del>



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I ——— solemnly swear  
I will to the best of my ability  
perform the duties of Councilman  
or <sup>Council</sup> woman faithfully impartially  
and Honestly of the Village of  
Unionville Center during my  
term of office. <sup>as</sup> With help of God  
and my fellow workers.



Committee for Council -

Finance & Audit

Street

Sidewalk

Sewer & Drainage

Health & Sanitation



## Oath of Office

Do you solemnly swear that  
you will, Honestly, Faithfully, &  
Impartially discharge your duties  
of (Council) (Mayor) of the Incorporated  
village of Unionville Center, Ohio  
during your term of office, so  
help me God.

If Clerk place in position.

Treasurer