

**COUNCIL OF THE
VILLAGE OF HIGHLAND HILLS**

ORDINANCE NO. 2025-19

For the May 14, 2025
Council Meeting

Introduced by: Mayor Michael L. Booker
Supported by: Council President Pride and
Councilpersons Greene, McManus, Mills and
Wright

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE
CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.**

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

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

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council in the form of replacement pages to the Codified Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HIGHLAND HILLS, OHIO:

Section 1: That the Ordinances of the Village of Highland Hills, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the March 2025 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

303.01	Compliance with Lawful Order of Police Officer; Fleeing. (Amended)
303.10	Leaving Junk Vehicles on Private Property with Permission of Owner. (Amended)
333.07	Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended)

General Offenses Code

513.01	Drug Abuse Control Definitions. (Amended)
513.02	Gift of Marihuana. (Amended)
533.03	Unlawful Sexual Conduct with a Minor. (Amended)

533.04	Sexual Imposition. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.021	Vehicular Assault in a Construction Zone. (Amended)
537.16(d)	Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products; Transaction Scans. (Amended)
549.12	Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

Section 3: That the complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4: That Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an orderly meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Village of Highland Hills and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of Highland Hills, so as to facilitate administration, daily operation and avoid practical and legal entanglements, and provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 14th day of May, 2025.

First Reading ✓ Second Reading _____ Third Reading _____

Vote: Pride ✓ yea ___ nay _____ Greene ✓ yea ___ nay _____ Mills ✓ yea ___ nay _____
McManus ✓ yea ___ nay _____ Wright ✓ yea ___ nay _____


Cassandra Pride
President of Council
Date 5-14-25

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For May 14, 2025
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Attest: Margaret Sikon
Margaret Sikon, Clerk of Council

5/14/25
Date

Filed with the Mayor: ✓

5/20/25
Date

Approved By: M. L. Booker

Michael L. Booker, Mayor

5/20/25
Date

2025-19

**CODIFIED
ORDINANCES
OF
HIGHLAND HILLS
OHIO**

Local legislation current through March 12, 2025

State legislation current through June 26, 2024

CERTIFICATION

We, Michael L. Booker, Mayor, and Margaret Sikon, Clerk of Council, of Highland Hills, Ohio, pursuant to Ohio R.C. 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Highland Hills, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of the Village of Highland Hills, Ohio, 1993, as amended to March 12, 2025.

/s/ Michael L. Booker
Mayor

/s/ Margaret Sikon
Clerk of Council

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

VILLAGE OF HIGHLAND HILLS

ROSTER OF OFFICIALS

(2025)

COUNCIL

Cassandra Pride	President
Geavona Greene	Pro Tem
David Mills	
James McManus	
Robert L. Wright, II	
Margaret Sikon	Clerk of Council

ADMINISTRATION

Michael L. Booker	Mayor
Thomas P. O'Donnell	Law Director
Marcellis O'Neal	Finance Director
William Simpson	Human Resource Director/Court Clerk
Collin Sullivan	Properties Director
Tyrone Conard	Public Works Director
Jestin Grossenbaugh	Fire Chief
Charles Golston	Police Chief
Robert Rodic	Chief Building Official
Susan Hamilton	Engineer
Larry Finch	Director of Community Development/Planning
Donald Williams	Magistrate

The Publisher expresses its
appreciation to

THOMAS P. O'DONNELL
Director of Law

MARGARET SIKON
Council Clerk

and to all other Village officials
who gave time and counsel
to the 1993 Codification of the
Highland Hills Village ordinances
and the preparation of
current replacement pages.

GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

- (a) The Comparative Section Table, which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The Table of Contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following the chapter analysis.

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cable TV franchise	925.07
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COMPARATIVE SECTION TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2008-68	1-14-09	131.11	2012-33	5-9-12	1105.04
2009-11	5-13-09	131.02, 131.03	2012-35	5-9-12	1132.01 to
Res.					1132.10, 1132.99
2009-13	3-11-09	521.12, 521.13	2012-36	5-9-12	1136.01 to
2009-23	4-8-09	131.13			1136.05
Res.			2012-38	7-11-12	1136.01 to
2009-40	9-9-09	156.13			1136.05; Ch. 1103
2009-47	11-18-09	105.06	2012-39	7-11-12	1132.01 to
2009-58	11-18-09	131.01 to 131.11			1132.10, 1132.99
2010-10	3-10-10	154.02 to 154.08	2012-40	7-11-12	1134.01 to
2010-14	3-10-10	Repeals Chaps. 1330, 1339			1134.30; Repeals Ch. 1127
2010-15	4-14-10	1306.01 to	2012-44	6-13-12	333.11
		1306.34, 1306.99	2012-46	7-11-12	337.27
2010-16	4-14-10	1319.01 to	2012-48	7-30-12	113.03
		1319.08	2012-49	9-12-12	1306.08, 1306.09
2010-17	4-14-10	1311.01 to	2012-60	9-12-12	1141.08
		1311.03; Repeals Ch. 1335	2012-61	9-12-12	1329.08
2010-19	4-14-10	1321.01 to	2013-08	2-13-13	154.03
		1321.08	2013-09	3-13-13	131.14
2010-20	4-14-10	1335.01 to	2013-13	5-8-13	131.11
		1335.29, 1335.99	2013-16	7-10-13	351.16
2010-32	6-9-10	333.02, 333.09	2013-30	7-10-13	1129.13
2010-41	7-14-10	155.21	2013-53	11-18-13	131.14
2010-58	10-13-10	113.04	2014-11	6-11-14	104.01 to 104.11
2011-01	4-13-11	156.07	2014-13	4-9-14	131.03
2011-24	4-13-11	351.15	2014-24	6-11-14	1306.32
2011-34	5-11-11	105.03	2015-18	4-8-15	131.01 to 131.14
2011-38	1-11-12	1351.01 to	2015-27	5-13-15	715.02, 715.04
		1351.18, 1351.99	2015-52	11-18-15	753.01, 753.02, 753.99
2011-39	1-11-12	1363.01 to	2015-54	12-9-15	181.01 to 181.20, 181.97, 181.98, 181.99
		1363.15, 1363.99			
2011-41	12-14-11	147.05	2016-08	2-10-16	155.99
2011-52	1-11-12	156.14	2016-25	6-20-16	131.01
2011-53	10-12-11	154.09, 154.10, 154.11	2016-40	10-3-16	113.05
2011-54	12-14-11	333.11	2016-63	12-14-16	1351.01 to
2011-55	12-14-11	105.09			1351.18, 1351.99
2011-56	12-14-11	147.03, 147.04	2016-70	12-14-16	1363.01 to
2011-62	1-11-12	305.06			1363.15, 1363.99
2011-64	12-14-11	1131.05	2017-13	2-15-17	951.02, 951.03, 951.04
2011-65	12-14-11	105.08, 1329.15	2017-14	3-22-17	131.01 to 131.14
2012-03	1-11-12	Repeals 154.03	2017-33	6-14-17	951.02, 951.03
2012-23	4-16-12	505.01, 505.16	2017-44	9-13-17	105.06
2012-26	4-16-12	1134.01 to	2017-52	12-13-17	561.01, 561.02
		1134.30	2017-57	1-3-18	1129.05, 1129.06
2012-27	4-16-12	1105.04			
2012-32	5-9-12	131.10			

COMPARATIVE SECTION TABLE

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<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2018-22	9-12-18	1335.30	2022-24	4-13-22	1355.01 to 1355.10
2018-25	9-12-18	929.01 to 929.13, 929.99	2022-25	4-13-22	1363.01 to 1363.15, 1363.99
2018-37	12-12-18	105.08	2022-26	4-13-22	Repeals Ch. 1357
2018-38	12-12-18	951.04	2022-27	4-13-22	Repeals Ch. 1359
2019-05	2-13-19	1501.01	2022-31	5-11-22	March 2022 Replacement Pages
2019-14	3-20-19	131.02	2022-40	7-13-22	June 2022 Replacement Pages
2019-27	7-10-19	154.12	2022-58	11-16-22	October 2022 Replacement Pages
2019-28	7-10-19	154.13	2022-64	12-14-22	131.03
2019-29	7-10-19	154.14	2023-09	4-12-23	163.02
2019-30	9-11-19	549.04	2023-16	6-14-23	509.08
2019-36	9-11-19	131.07 to 131.14	2023-32	7-19-23	131.11
2019-41	9-11-19	1335.28, 1335.31 to 1335.39, 1335.99	2023-42	10-18-23	Repeals Ch. 1321
2019-42	9-11-19	1331.01 to 1331.14, 1331.99	2023-43	10-18-23	105.07(d); Repeals 105.08(l)
2019-44	12-11-19	1306.20, 1306.25, 1306.29	2023-44	10-18-23	105.08(p)
2019-46	9-11-19	105.10	2023-51	12-12-23	181.03, 181.052, 181.092, 181.094, 181.10, 181.21 to 181.49
2019-49	12-11-19	525.095	2023-55	12-12-23	Repeals 161.07
2019-56	11-13-19	351.04	2024-08	1-3-24	191.01 to 191.03
2020-12	1-8-20	131.01	2024-27	4-10-24	131.02(l)
2020-26	2-12-20	147.03	2024-35	6-12-24	105.06(j)
2019-43	3-18-20	105.08	2024-54	9-12-24	June 2024 Replacement Pages
2020-20	3-18-20	131.01 to 131.14, Appendix 1	2024-59	10-16-24	156.01 to 156.14
2020-29	3-18-20	155.21	2024-60	10-16-24	105.06(h)
2020-30	4-15-20	303.08 to 303.089	2025-09	3-12-25	105.01
2020-47	7-15-20	154.15			
2020-50	9-16-20	743.01 to 743.12, 743.99			
2020-51	7-15-20	165.01 to 165.04			
2020-69	9-16-20	131.07 to 131.10			
2021-08	3-10-21	137.05			
2021-15	5-12-21	137.01; Repeals 137.02 to 137.04			
2021-17	5-12-21	175.01 to 175.06			
2021-27	7-14-21	105.08(q)			
2021-31	7-14-21	101.09, 103.01 to 103.09			
2021-41	9-15-21	131.05(a)			
2021-42	9-15-21	2020 Replacement Pages			
2021-55	12-15-21	November 2021 Replacement Pages			

TITLE THREE - Financial Procedures

- Chap. 105. General Fee Schedule.
- Chap. 107. Acceptance of Property.
- Chap. 109. Disposition of Real Property.
- Chap. 110. Disposition of Personal Property.
- Chap. 113. Procedures for Purchases, Contracts and Sales.
- Chap. 115. Minority Business and Female Business Enterprise.

CHAPTER 105 General Fee Schedule

- | | | | |
|---------------|---|---------------|---|
| 105.01 | Fees for public documents. | 105.06 | Fees in the Streets, Utilities and Public Services Code. |
| 105.02 | Fees in the Administrative Code. | 105.07 | Fees in the Planning and Zoning Code. |
| 105.03 | Fees in the Traffic Code. | 105.08 | Fees in the Building and Housing Code. |
| 105.04 | Fees in the General Offenses Code. | 105.09 | Fees for Fire Department. |
| 105.05 | Fees in the Business Regulation and Taxation Code. | 105.10 | Police Department Fee Schedule. |
-

105.01 FEES FOR PUBLIC DOCUMENTS.

(a) There are hereby established the following fees for copies of public documents and services to be rendered the general public, at the specific request of the general public, whether such request is made by a person, firm or corporation:

- | | | |
|-----|---|---|
| (1) | Zoning and parcel maps (500 or 1,000 scale) | \$5.00 per copy |
| (2) | Miscellaneous Public Documents (including, but not limited to police reports, fire reports, EMS reports, minutes of meetings, specific sections of Zoning Code, and other such documents: | \$0.05 per page |
| (3) | Police Department and Fire Department photographs: | |
| | Color-35 mm Photo, 3 x 5 | \$0.50 each |
| | Color-35 mm Photo, 3 x 7 | \$3.50 each |
| | Color-35 mm Photo, 8 x 10 | \$6.00 each |
| (4) | Police Body Camera Video footage, surveillance video footage, dash cam video footage, and similar type videos | \$75.00 per hour up to maximum of \$750.00 per request. |
| (5) | Audio Cassette Recording (max 60 min.) | \$1.00 each |

- | | | |
|------|---|-----------------|
| (6) | Video Cassette Recording | \$4.00 each |
| (7) | Photostatic Copy of Plat Maps | \$0.25 per page |
| (8) | Providing respreads of Assessments | \$10.00 per req |
| (9) | Industrial Road Maps | \$10.00 each |
| (10) | <u>Publications.</u> | |
| A. | Complete set/volume of Codified Ordinances of the Village of Highland Hills | \$75.00 |
| B. | Village Employee Handbook | \$20.00 |
| C. | Rules of the Personnel Review Board | \$20.00 |
| D. | Complete copy of the Planning and Zoning Code | \$35.00 |
| E. | Complete copy of the Village Comprehensive Plan | \$40.00 |
| F. | Complete copy of the Traffic and General Offenses Code | \$40.00 |
- (Ord. 2004-02. Passed 1-14-04; Ord. 2025-09. Passed 3-12-25.)

105.02 FEES IN THE ADMINISTRATIVE CODE.

- | | | |
|-----|---|--|
| (a) | Fees for Highland Hills Job Creation Program.
Fee for original application and each annual report | \$500.00 |
| (b) | Fees for Enterprise Zone Application. | \$2,500.00 |
| (c) | Animal impounding fee (146.06(c)) | \$10.00 first offense
\$20.00 for subseq. |
| (d) | Expense fee for keeping | \$5.00 per day |
| (e) | The fee for a check payable to the Village that is returned by payee's bank unpaid is \$35.00. | |
| (f) | All Village invoices remaining unpaid after thirty days shall bear interest at a rate of one percent (1%) per month or fraction thereof.
(Ord. 2008-17. Passed 3-31-08.) | |

105.03 FEES IN THE TRAFFIC CODE.

- | | | |
|-----|--|---|
| (a) | Permit for oversize vehicles on local streets
(339.02(b)) | \$10.00 |
| (b) | Police Department supervision of movement of oversize vehicles (339.02(b)) | \$25.00 per hour or part thereof |
| (c) | Storage charge for vehicle removed from private tow-away zone (maximum)
(303.082(1)(C)) | \$12.00 per 24 hr period not to exceed \$90.00, and storage not to exceed \$20.00 per 24 hour period, except if vehicle has a manufacturer's gross vehicle weight rating in excess of |

Commercial building

Tap-in fee to be computed based on
fixture count at \$100.00 per fixture
(minimum tap-in fee)

\$3000.00

Industrial building

Tap-in fee to be computed based on
fixture count at \$100.00 per fixture
(minimum tap-in fee)

\$3000.00

(f) Fees for all residences, commercial buildings and industrial buildings which are located outside of the boundaries of the City will be calculated at 150 percent of the appropriate new construction charge set forth in this subsection.

(1) Permits for purchase of water from City

Hall hydrant:

First 500 gallons (3 mos.)

\$ 3.00

Each additional 500 gallons or fraction
thereof

\$ 3.00

(2) Garbage and rubbish:

Special collections (917.06)

\$15.00 per cubic yard
or fraction thereof by
volume
or \$3.00 per hundred
weight or fraction
thereof by weight,
whichever is greater,
but not less than
\$15.00.

(g) Fees for tree planting and removal:

(1) Permit to plant, remove, trim, spray or
tamper with any tree within
a tree lawn on any street within the
Village of Highland Hills
(901.01)

\$1.00

(2) Arborists, License Fee (905.20)
(Bond Required)

\$25.00

(3) Permits for Planting, pruning, or Removal of
Public Trees (909.05)

- estimated cost under \$500.00

no fee

- estimated cost over \$500.00

\$100.00 for each
\$100.00 over \$500.00

(4) Fee for Implementation of Tree Planting Program (913.02)

\$50.00

(5) Fee for Right of Way Permit
(925.04 (c))
(Ord. 2004-41. Passed 6-9-04.)

\$25.00

- (h) Services rendered by the Village Emergency Medical Service (EMS) for residents and nonresidents (per person, per call):

	<u>Residents/Non Residents</u>
Basic life support (BLS)	\$650.00
Advanced life support I (ALS I)	\$800.00
Advanced life support II (ALS II)	\$1100.00
Mileage charge	\$16.50 per loaded mile
TNT (Treated not transported) (Ord. 2024-60. Passed 10-16-24.)	\$360.00

- (i) Fees for the Use of the Public Right-of -Way: (925.02)
(see also 105.01)

(1) Initial Registration Fee (925.02(b))	\$500.00
(2) Annual Registration Fee each year after first year	\$350.00
(3) Use Permit Fee (925.03, 925.06(b)(1))	\$500.00
(4) Refund of Use Permit Fee if withdraw within 60 days of app. (925.06(b)(2)(A))	\$50.00
(5) Construction Permit Fee (925.06(d)(1))	\$500.00
(6) Construction Oversight hourly rate (925.06(d)(2))	\$30.00/hr
(7) Penalties (925.99) (Ord. 2004-41. Passed 6-9-04.)	\$100.00 to \$5,000
(8) Fee for gas and oil drilling permit - Section 931.03 (Ord. 2004-35. Passed 4-14-04.)	\$500.00

- (j) The following schedule of fees is hereby established for the use and rental of the Highland Hills Government Office Complex and Community Center or portions thereof:

- (1) For lease of residential housing:

A. For lease on a month-to-month basis:

1. Efficiency \$250.00 up to \$425.00 per month, plus a deposit equal to the first month's rent shall be collected along with the first month rent.
2. Efficiency with Kitchenette \$450.00 up to \$570.00 per month, plus a deposit equal to the first month's rent shall be collected along with the first month rent.
3. One Bedroom Efficiency \$560.00 up to \$1,000.00 per month, plus a deposit equal to the first month's rent shall be collected along with the first month rent.
4. Any deposit collected with the first month's rent for any residential housing is subject to be refunded pursuant to the terms and requirements of Ohio R.C. Chapter 5721 et seq., less any damages that must be repaired by the Village of Highland Hills upon the tenant vacating the premises.

CHAPTER 156 Fire Department

- | | |
|--|--|
| <p>156.01 Established.</p> <p>156.02 Personnel.</p> <p>156.03 Volunteer and non-volunteer positions.</p> <p>156.04 Jurisdiction.</p> <p>156.05 Policemen may be firemen.</p> <p>156.06 Appointment of members and oath.</p> <p>156.07 Duties and authority of Chief.</p> <p>156.08 Absence of Chief.</p> | <p>156.09 Meetings and drills.</p> <p>156.10 Mutual aid agreements.</p> <p>156.11 Response to emergency calls outside Village limits.</p> <p>156.12 Volunteer Fire Fighters Dependents Fund Board.</p> <p>156.13 Identity Theft Prevention Program for Emergency Medical Services.</p> <p>156.14 Provisions of emergency medical services; fees and charges.</p> |
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CROSS REFERENCES

Volunteer Firemen's Dependents Fund - see Ohio R.C. Ch. 146

156.01 ESTABLISHED.

There is hereby created in the Village of Highland Hills, a Fire Department which shall be a Volunteer Fire Department providing fire prevention services and emergency medical services.

(Ord. 2024-59. Passed 10-16-24.)

156.02 PERSONNEL.

There shall be a Chief, Deputy Chief and such other positions of rank and number of employees as shall be determined by the Human Resource System Committee with approval from Council by ordinance which may be revised from time to time. With the exception of the office of the Fire Chief, nothing in this chapter shall be construed to require the entire authorized strength of the Fire Department to be filled at any given time.

(Ord. 2024-59. Passed 10-16-24.)

156.03 VOLUNTEER AND NON-VOLUNTEER POSITIONS.

The Fire Chief may be the only non-volunteer member of the Fire Department, all other officers and men shall be of the volunteer status.

(Ord. 2024-59. Passed 10-16-24.)

156.04 JURISDICTION.

(EDITOR'S NOTE: Former Section 156.04 was repealed by Ordinance 2008-51.)

The Fire Department shall have jurisdiction over all matters pertaining to fire prevention, equipment, quarters, fire fighting, the installation, supervision and maintenance of fire alarm signal and communications systems, fire suppression systems and enforcement of fire laws and ordinances, and emergency medical services.

(Ord. 2024-59. Passed 10-16-24.)

156.05 POLICEMEN MAY BE FIREMEN.

Members of the Department of Police of the Village of Highland Hills may also be volunteer members of the Fire Department.

(Ord. 2024-59. Passed 10-16-24.)

156.06 APPOINTMENT OF MEMBERS AND OATH.

All members of the Fire Department shall be appointed by the Mayor pursuant to his/her authority as granted by the Village Charter, Article II, Section 4. Each newly appointed member shall take an oath of office prior to commencing employment.

(Ord. 2024-59. Passed 10-16-24.)

156.07 DUTIES AND AUTHORITY OF CHIEF.

(a) It shall be the duty of the Fire Chief to faithfully enforce the laws of the State of Ohio and the Village of Highland Hills. He shall preside at all meetings of the Fire Department. He shall have command over all members of the Department at all meetings, all drills and fires and it shall be the duty of every member of the Department to obey the orders, rules and regulations established by the Fire Chief at all meetings, drills, fires, fire prevention services and emergency medical runs. He shall have authority to make, impose and enforce any rules and regulations as are necessary and authorized by law subject to review and approval by the Mayor/Safety Director and Law Director. In the immediate vicinity of a fire and during the period of emergency, the Chief shall have full Marshal and Police powers as authorized by law.

(b) It shall be the duty of the Fire Chief or his/her designee to inspect all Department equipment or to cause the same to be inspected, or to coordinate such inspection to meet all minimum requirements of a volunteer Fire Department as established by law. The Fire Chief shall have the duty to cause the same to be kept in good repair.

(c) In case of infraction, insubordination, malfeasance, misfeasance, nonfeasance or in case of any other cause for suspension or discipline, under the laws of the State of Ohio, of any member of the Fire Department, the Fire Chief shall forthwith file a full report in writing with the Mayor. Any discipline shall be handled as provided by the Charter or the Personnel Employee Handbook.

(d) The Fire Chief shall provide reports to the Mayor and Council on an annual basis or more often as Council or the Mayor may require. Reporting requirements may be waived or amended by Council at any time.

(e) The Chief shall have power and authority, and it shall be his or her duty to demolish buildings or parts of buildings, which in his or her judgment may cause further damage to life or property, or which in his or her judgment may be necessary to prevent the further spread of fire.

(f) The Chief shall order inspections of public buildings and other structures at intervals that he or she deems necessary, for the purpose of ascertaining whether or not said buildings constitute a fire hazard, evacuation procedures including but not limited to emergency first responder plans.

(g) The Chief shall keep or cause to be kept records including an alphabetical roster of all employees, employee personnel files, disciplinary action, sick leaves or leaves of absence, inventories of all equipment, tool and appliances, a record of all communications received or sent, and all permits required by law, and any and all such other records as may be necessary in the operation of a volunteer Fire Department. (Ord. 2024-59. Passed 10-16-24.)

156.08 ABSENCE OF CHIEF.

During the absence, inability or refusal of the Fire Chief to act, his duties shall be assumed by the next ranking officer in charge, whose duties and authority during such time he is acting as Fire Chief shall be the same as the Fire Chief. If there is no ranking officer who, in the absence of the Fire Chief, can assume the duties of the Fire Chief, the Mayor shall have authority to appoint an acting Fire Chief to assume the duties of the Fire Chief until such time as the Fire Chief returns to assume his normal duties. All appointments of the Mayor shall be approved by Council. (Ord. 2024-59. Passed 10-16-24.)

156.09 MEETINGS AND DRILLS.

It is the duty of each member of the Fire Department to attend all meetings and drills. Regular meetings of the Fire Department shall be held at such times and places for drills and instructions as shall be set by the Fire Chief. Special meetings may be called as often as deemed necessary by the Fire Chief. (Ord. 2024-59. Passed 10-16-24.)

156.10 MUTUAL AID AGREEMENTS.

Authority is hereby granted to the Mayor and Fire Chief to negotiate Mutual Aid Agreements with neighboring communities subject to review and approval by Council. (Ord. 2024-59. Passed 10-16-24.)

156.11 RESPONSE TO EMERGENCY CALLS OUTSIDE VILLAGE LIMITS.

(a) Council hereby authorizes the Village Fire Department to provide fire protection services and/or emergency medical services to any county, municipal corporation or township of this State upon authorization of the officer or employer of Highland Hills Fire Department designated in subsection (b) hereof.

(b) The Chief of the Highland Hills Fire Department or his/her designee is designated as the officer or employee of the Highland Hills Fire Department to grant authorization for providing fire protection services as set forth in subsection (a) hereof as may be appropriate in his or her discretion. (Ord. 2024-59. Passed 10-16-24.)

156.12 VOLUNTEER FIRE FIGHTERS DEPENDENTS FUND BOARD.

There is hereby created the Highland Hills Volunteer Fire Fighters Dependents Fund Board which shall consist of five members appointed in accordance with Ohio R.C. 146.03: Two members elected by Council; two members elected by the Fire Department; and one member elected by the other four members who shall be an elector of the Village but not a public employee or elected official. Each member shall serve a one-year term without compensation. The Board shall comply in all respects with the requirements of Ohio R.C. Chapter 146. (Ord. 2024-59. Passed 10-16-24.)

156.13 IDENTITY THEFT PREVENTION PROGRAM FOR EMERGENCY MEDICAL SERVICES.

(a) Council hereby adopts the Identity Theft Prevention Program for Emergency Medical Services attached to Resolution 2009-40 as "Exhibit A" and incorporated as if fully rewritten.

(b) The Fire Chief, with the assistance of the Village Director of Law, is responsible for developing, implementing, administering and updating the Program. The Fire Chief, or his/her designee, will be responsible for developing a training program for EMS Personnel and other Village employees identified by the Fire Chief as having a role in implementing the Program. Training on this Program shall occur upon hiring of EMS Personnel and on an "as needed" basis thereafter. A record of training shall be kept by the Fire Chief.

(c) The Fire Chief will periodically review the effectiveness of the Program and update the Program to reflect the addition or removal of Covered Accounts, and changes in risks to Patients from Identity Theft. An annual report shall be provided by the Fire Chief to the Mayor regarding significant incidents involving Red Flags and the Village's response, the effectiveness of the Program, and recommendations for change.
(Ord. 2024-59. Passed 10-16-24.)

156.14 PROVISION OF EMERGENCY MEDICAL SERVICES; FEES AND CHARGES.

(a) Emergency medical services shall be provided by the Highland Hills Fire Department on a fee basis in response to any call for such needed emergency service. Every person using such services, or the guardian of such person, or any other person who is financially responsible for such person, shall be liable for the payment of fees and charges as established by this section.

(b) Resident Emergency Rescue Squad Service. The Village will provide emergency rescue squad services to residents and the Village shall only bill residents of Highland Hills and their insurers, including the Federal Health Care Programs of Medicare and Medicaid, for the services provided but only to the extent of their insurance coverage, i.e. there will be no out of pocket costs to the residents of the Village. The Village shall treat the revenues received from Highland Hills' local taxes as payment of any of other applicable co-payments and deductibles that would otherwise be due from the residents of the Village of Highland Hills.

(c) Non-Resident Emergency Rescue Squad Service. The Village of Highland Hills is hereby authorized to charge nonresidents who receive emergency medical and rescue squad services from the Highland Hills Fire Department the usual, reasonable and customary fees that can be charged for such services. Usual, reasonable and customary fees are defined as the fees established by the Medicare operations insurance carrier for the Medicare locality area three, as revised from time to time.

(d) Resident Fire and Rescue and Special Services. Whenever the Village of Highland Hills Fire Department responds to a motor vehicle crash, motor vehicle fire, hazardous materials incident, technical rescue or structure fire, and fire alarms or other emergency service, either inside or outside the fire district response area, the fee structure listed in Sub-Section (e) shall apply and be billed to the Residents of Highland Hills and their insurers for the services provided but only to the extent of their insurance coverage, i.e., there will be no out of pocket costs to the residents of the Village of Highland Hills. The Village shall treat the revenues received from Highland Hills' local taxes as payment of any other applicable co-payments and deductibles that would otherwise be due from the residents of the Village of Highland Hills.

(e) Non-resident Fire and Rescue and Special Services. Whenever the Village of Highland Hills Fire Department responds to a motor vehicle crash, motor vehicle fire, hazardous materials incident, technical rescue or structure fire, and fire alarms or other emergency service, either inside or outside the fire district response area, the fee structure listed in Sub-Section (e) shall apply and be billed to non-residents and their insurers for the services provided.

(f) Fee Structure. All fees as established by Council shall be set forth in Section 105.09.

(g) The Mayor is authorized to enter into an agreement with a company that will provide electronic claims filing systems for the purpose of collecting insurance proceeds indicated in subsection (e) hereof or as modified thereafter.

(h) The Mayor and the Finance Director are authorized to establish guidelines and procedures to assist the indigent and the financially needy that are unable to pay for emergency services.

(i) The funds collected pursuant to this Section shall be disbursed as follows:

- (1) Such part thereof necessary to defray all expenses of collection shall be paid.
- (2) The balance remaining after such payment shall be deposited in the Fire Department Fund for operations of the Fire Department.
(Ord. 2024-59. Passed 10-16-24.)

CHAPTER 303
Enforcement, Impounding and Penalty

303.01	Compliance with lawful order of police officer; fleeing.	303.084	Charges for towing service.
303.02	Traffic direction in emergencies; obedience to school guard.	303.085	Unauthorized removal of impounded vehicles.
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303.04	Road workers, motor vehicles and equipment excepted.	303.087	Hearing before Police Towing Review Board.
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303.07	Application to drivers of government vehicles.	303.09	Leaving junk and other vehicles on private or public property without permission or notification.
303.08	Impounding of vehicles; redemption.	303.10	Leaving junk vehicles on private property with permission of owner.
303.081	Impounding vehicles on private residential or agricultural property.	303.11	Providing false information to police officer.
303.082	Private tow-away zones.	303.99	General Traffic Code penalties.
303.083	Motor vehicle pounds.	303.991	Committing an offense while distracted penalty.

CROSS REFERENCES

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

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

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

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

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

- (c)
 - (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.
 - (2) A violation of subsection (a) of this section is a misdemeanor of the first degree.
 - (3) Except as provided in subsections (c)(4) and (c)(5) of this section, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.
 - (4) A violation of subsection (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.
 - (5)
 - A. A violation of subsection (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:
 - 1. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.
 - 2. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.
 - B. If a police officer pursues an offender who is violating subsection (b) of this section and subsection (c)(5)A. of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of subsection (b) of this section, shall consider, along with the factors set forth in Ohio R.C. 2929.12 and 2929.13 that are required to be considered, all of the following:
 - 1. The duration of the pursuit;
 - 2. The distance of the pursuit;
 - 3. The rate of speed at which the offender operated the motor vehicle during the pursuit;
 - 4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;
 - 5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;
 - 6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;
 - 7. Whether the offender committed a moving violation during the pursuit;
 - 8. The number of moving violations the offender committed during the pursuit;
 - 9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense

(d) In addition to any other sanction imposed for a violation of subsection (a) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under Ohio R.C. 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one

suspension as described in Ohio R.C. 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in R.C. § 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division. (ORC 2921.331)

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

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

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

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

303.03 OFFICER MAY REMOVE IGNITION KEY.

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

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

(a) The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

(c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.

- (2) This section does not exempt a driver of a vehicle who is not a state employee and who is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.

(d) As used in this section, "engaged in the performance of official duties" includes driving a highway maintenance vehicle to and from the manufacturer or vehicle maintenance provider and transporting a highway maintenance vehicle, equipment, or materials to and from a work location. (ORC 4511.04)

303.041 EMERGENCY, PUBLIC SAFETY AND CORONER'S VEHICLES EXEMPT.

(a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

(b) Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.042)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

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

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

- (a) No person, unless otherwise directed by a police officer, shall:
- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; 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; or to obtain assistance;

- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

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

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
- (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than forty-eight consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.
- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.

- (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.

(b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under Ohio R.C. 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Municipal police shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the police offices to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

(c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (Ord. 2020-30. Passed 4-15-20.)

303.081 IMPOUNDING VEHICLES ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY.

- (a) (1) The Chief of Police upon complaint of any person adversely affected may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property.

The Chief of Police, upon complaint of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this section, the Chief of Police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

- (2) A towing service towing a motor vehicle under subsection (a)(1) of this section shall remove the motor vehicle in accordance with that subsection. The towing service shall deliver the motor vehicle to the location designated by the Chief of Police not more than two hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.
- (3) Subject to subsection (b) of this section, the owner of a motor vehicle that has been removed pursuant to this subsection may recover the vehicle only in accordance with subsection (d) of this section.
- (4) As used in this section "private residential property" means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to subsection (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

- (c) (1) The Chief of Police shall maintain a record of motor vehicles that the Chief orders into storage pursuant to subsection (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model and color, the location from which it was removed, the date and time of the removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The Chief of Police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.
- (2) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a motor vehicle under subsection (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.
- (d) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section may reclaim it upon both of the following:
 - A. Payment of all applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation.
 - B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.
 - C. No vehicle will be released where there exists a valid hold, including but not limited to an outstanding seizure, forfeiture or other court order, on the vehicle or is otherwise being held as evidence in a pending prosecution.
- (2) Upon presentation of proof of ownership as required under subsection (d)(1)B. of this section, the owner of a motor vehicle that is ordered into storage under subsection (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under division (B)(3) of Ohio R.C. 4513.69, if applicable. The owner of a motor vehicle shall not do either of the following:
 - A. Retrieve any personal item that has been determined by the sheriff or chief of police, as applicable, to be necessary to a criminal investigation;

- B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner unless the owner agrees to sign a waiver of liability. For purposes of subsection (d)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.
- (3) If a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 apply.
- (e)
 - (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with subsection (a)(1) of this section or Ohio R.C. 4513.61 to 4513.65.
 - (2) No towing service or storage facility shall fail to comply with the requirements of this section.
- (f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with Section 303.082.
- (g) Whoever violates subsection (e) of this section is guilty of a minor misdemeanor. (Ord. 2020-30. Passed 4-15-20.)

303.082 PRIVATE TOW-AWAY ZONES.

- (a) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:
 - (1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:
 - A. A statement that the property is a tow-away zone;
 - B. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located, or the name of the business that is located on the property designated as a private tow-away zone.
 - C. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
 - D. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
 - E. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of Ohio R.C. 4505.101. In order to comply with the requirements of subsection (a)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:
 - A. It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.
 - B. It is well-lighted.
 - C. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.
- (b)
 - (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.
 - (2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.
 - (3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.
- (c) If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

- (d) (1) Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section. The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.
- (2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.
- (e) (1) If an owner of a private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:
 - A. The vehicle's license number, make, model and color;
 - B. The location from which the vehicle was removed;
 - C. The date and time the vehicle was removed;
 - D. The telephone number of the person from whom the vehicle may be recovered;
 - E. The address of the place from which the vehicle may be recovered.
- (2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.
- (f) (1) When a vehicle is removed from private property in accordance with this section, within three days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The Registrar of Motor Vehicles shall insure that such information is provided in a timely manner. Subject to subsection (f)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
 - A. Within five business days after the Registrar of Motor Vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;

- B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section.
 - C. If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section.
- (2) Sixty days after any notice sent pursuant to subsection (f)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under subsection (B) of Ohio R.C. 4505.101, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.
 - (3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of Ohio R.C. 4505.101.
 - (4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(1)A. of this section.
- (g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:
 - A. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement;
 - B. Payment of the following fees:
 - 1. All applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under subsection (f)(1)A. of this section;
 - 2. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).
 - (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.
 - (3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.

- (4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.
- (h) No person shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.
- (i) this section does not affect or limit the operation of Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.
- (j) Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.
- (k) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:
- (1) Any person who holds title to the property;
 - (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
 - (3) A person who is authorized to manage the property;
 - (4) A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section.
- (Ord. 2020-30. Passed 4-15-20.)

303.083 MOTOR VEHICLE POUNDS.

- (a) There are hereby created and established motor vehicle pounds at the following locations:
- (1) Village of Highland Hills Public Works Yard 10100 Aurora Road, Warrensville Heights, Ohio
 - (2) Kelly's Towing
- (b) Any change of ownership or location of any of the organizations mentioned in subsection (a) of this section shall require approval of Village Council.
- (c) Towing companies shall be open to the public for the release of impounded vehicles at a minimum from 7:00 a.m. to 9:00 p.m. seven days a week and shall respond to calls twenty-four hours a day.
- (d) The Village Police Department shall be open to the public for release of impounded vehicles during the hours of 7:00 a.m. to 9:00 p.m. seven days a week.

(e) All private motor vehicle pound facilities shall maintain in operable condition a sufficient number of approved tow trucks, one of which shall be equipped to tow front wheel drive vehicles without damage. Each motor vehicle pound shall also own a motorcycle trailer or other acceptable means of carrying a motorcycle in an upright position. In addition, each vehicle pound shall provide on-site storage for a minimum of twenty vehicles outside, plus storage space for a minimum of three additional vehicles inside. All motor vehicle pound storage areas shall be secured by a solid fence or wall not less than eight feet in height or six feet if provided with arm extensions and barbed wire. The fence shall be well-maintained and in good appearance at all times.

(f) Tow truck chassis shall be rated by the manufacturer at one ton or more. Each vehicle must be equipped with:

- (1) One rear-view mirror on each side;
- (2) Winch or boom rated by the manufacturer as having a four-ton capacity and equipped with steel cable having a minimum diameter of 3/8 inch;
- (3) At least one amber flashing light, and one work light situated so as to illuminate the winching or craning operations at night;
- (4) The following additional equipment:
 - A. One set of dolly wheels;
 - B. Two pickup chains, eight foot minimum;
 - C. One broom and shovel;
 - D. One all-purpose fire extinguisher maintained in operable condition;
 - E. Three flares;
 - F. One snatch block;
 - G. A set of hand tools, such as screwdrivers, pliers, wire cutters and wrenches;
 - H. Rope or line to tie the steering wheel;
 - I. Three triangle reflectors;
 - J. Jumper cables;
 - K. Operable two-way radio;
 - L. Any other equipment which may be deemed necessary in the future by the Police Towing Review Board.

(g) Motor vehicle pound facilities, including outside storage areas, may be located outside of the corporate limits of the Village but shall be within ten miles of the Village corporate limits.

(h) Towing companies shall have an operable fax machine or other device capable of electronic communication. (Ord. 2020-30. Passed 4-15-20.)

303.084 CHARGES FOR TOWING SERVICE.

(a) For services rendered by towing companies operating authorized motor vehicle pounds, such towing companies shall charge for services rendered to automobiles, motorcycles, or mopeds involved in accidents, or which are inoperative or ordered to be removed from Village streets by the Village Police Department, an amount not to exceed that set forth in the following schedule. The Village Police Department shall also charge for storage based on the following set fees:

(1) For all general towing services transporting vehicles impounded to the Village storage lot or to the tow company's storage lot:	\$75.00
(2) For storing automobiles, motorcycles, or mopeds less than four hours:	\$8.00
(3) For storing automobiles, motorcycles, or mopeds more than four hours up to twenty-four hours:	\$25.00
(4) For each period of twenty-four hours or fraction thereof:	\$25.00
(5) For the pulling of transmission pins to allow the towing of a vehicle:	\$15.00
(6) For the placement of dolly wheels to allow the towing of a vehicle:	\$25.00
(7) For removing keys from locked vehicles upon reference by the Police Division:	\$25.00
(8) For hoisting or hauling a vehicle with a winch	\$15.00

(b) The fees set forth in subsection A of this section shall include the removal of normal debris resulting from accidents from the public streets at the request of the Police Division.

(c) The fees set forth in subsection A of this section shall not apply to such unusual situations as would justify the use of additional equipment needed to remove an automobile from Village streets. The charges for all such additional equipment shall not exceed fifty dollars in total.

(d) Motor vehicle pounds authorized by this section shall provide to the person charged, for services rendered, under the provisions of subsections A, B or C of this section, a copy of the schedule of charges provided herein, together with any billing or invoice for such services.

(e) The Village shall be responsible to pay the motor vehicle tow company all related fees for all vehicles towed to the Village impound lot. Said companies shall submit valid invoices the Village with itemized billing on a monthly basis and shall provide such documentation as may be required from time to time by the Police Chief or the Village Finance Director. Said companies shall retain all related and appropriate documentation for a period of three (3) calendar years which shall be subject to inspection and/or audit by the Village at the sole discretion of the Village. (Ord. 2020-30. Passed 4-15-20.)

303.085 UNAUTHORIZED REMOVAL OF IMPOUNDED VEHICLES.

No person shall remove any vehicle impounded under the provisions of this article, from any automobile pound unless and until presentment is made of a receipt from the Clerk of the Municipal Court showing the payment of all fees for violation of any of the provisions of this traffic code as well as the payment of the towing and storage charges on such vehicle, or, upon a plea of not guilty, the furnishing of a bond as set by rules of the Municipal Court. Penalty, see Section 303.99. (Ord. 2020-30. Passed 4-15-20.)

303.086 POLICE TOWING REVIEW BOARD.

(a) There is hereby created a Police Towing Review Board to review performance and overall operation of authorized police towing companies relating to quality of service, damage to impounded vehicles, police policies, or any other conflicts or questions which may arise with regard to the operations of the police towing companies. The Police Towing Review Board shall further have the power to impose fines and suspend licenses. The Police Towing Review Board shall be composed of the Mayor or his designee, who shall act as chairman, the Chief of Police or his designees, the Chairperson of the Public Safety Committee of Village Council or his designee, the Service Director or his designee, the Clerk of Courts or his designee and the towing companies' designee. The Police Towing Board shall meet quarterly at a time and place designated by the Chairman, and at such other times as may be deemed necessary by the Chairman.

(b) The Police Towing Review Board shall also develop procedures to inspect authorized motor vehicle pounds annually, and rules to implement Sections 303.081 through 303.086 of this code, if deemed necessary. A copy of the procedures and rules developed shall be maintained by the Chief of Police of the Akron Police Department. Motor vehicle pounds, facilities, tow trucks and equipment are also subject to inspection by any police officer at any time. Failure to maintain the required facilities, trucks and equipment, or to perform satisfactorily the requirements of Sections 303.081 through 303.086 or 303.088, may result in removal from the motor vehicle pound list by Village Council. (Ord. 2020-30. Passed 4-15-20.)

303.087 HEARING BEFORE POLICE TOWING REVIEW BOARD.

A public hearing shall be held to determine whether a tow company has violated any of the provisions of Sections 303.081 through 303.086 or 303.088. Notice of the public hearing shall be sent by certified mail to the tow company's last known address at least thirty days prior to the public hearing. If the certified mail is returned unclaimed/refused, notice shall be sent by regular U.S. mail. The tow company shall have the right to appear at the public hearing, to be represented by counsel and to examine and cross examine witnesses. (Ord. 2020-30. Passed 4-15-20.)

303.088 TOW COMPANY LICENSE VIOLATIONS.

(a) The Police Towing Review Board shall impose a fine and/or suspend a license after a public hearing if it determines that a tow company has committed any of the following violations:

- (1) The tow company failed to obey any traffic laws or other laws and regulations applicable to towing services; or
- (2) The tow company displayed discourteous or improper treatment toward the public, including, but not limited to, misrepresentation of permissible towing charges or failure to return vehicle after owner furnished appropriate documentation, including a police release; or
- (3) Failure to comply with the rules and regulations kept on file with the Chief of Police of the Akron Police Department; or
- (4) Any violation of Sections 303.081 through 303.086 of this code.

(b) The imposition of a fine shall not preclude the Board from suspending a towing license. (Ord. 2020-30. Passed 4-15-20.)

303.089 PENALTIES.

The Police Towing Review Board shall impose the following penalties for violations of Section 303.088 of this code:

First offense	\$100.00 fine, or license suspension of up to five days, or both
Second offense	\$500.00 fine, or license suspension of up to thirty days, or both

For third and subsequent offenses, the Board shall refer the matter to Village Council for consideration of license revocation.

However, the Village Council may immediately revoke a towing license if the offense involves a serious violation which could affect the public's safety.
(Ord. 2020-30. Passed 4-15-20.)

303.0891 APPEAL.

If the Police Towing Review Board imposes a fine or suspends a license, or Village Council revokes any license under this chapter, it shall, within thirty days, send written notice of its decision by certified mail to the tow company. This notice shall also state that the tow company shall have the right to appeal an adverse decision to the Court of Common Pleas pursuant to the Provisions of R.C. Chapter 2506. (Ord. 2020-30. Passed 4-15-20.)

303.09 LEAVING JUNK AND OTHER VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

(a) No person shall willfully leave any vehicle or an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight hours or longer, without notification to the chief of the law enforcement agency of the municipal corporation of the reason for leaving the motor vehicle in such place.

For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Municipality in disposing of an abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the Municipality from this disposal of the vehicle. (ORC 4513.64)

303.10 LEAVING JUNK VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.

(a) For the purposes of this section, "junk motor vehicle" means any motor vehicle meeting the requirements of Ohio R.C. 4513.63(A)(2), (3), (4) and (5) that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12; or regulated under authority of the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation, or if the motor vehicle is a collector's vehicle.

Persons may store or keep by unrestricted method any collector's vehicle as defined in Ohio R.C. 4501.01(F) on private property with the permission of the person having the right to the possession of the property; except that such person having such permission shall conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

Council, the chief of a law enforcement agency, a state highway patrol trooper or the Municipal Zoning Authority, may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice. Each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.65)

303.11 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

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

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

303.99 GENERAL TRAFFIC CODE PENALTIES.

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

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

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

(ORC 2929.24; 2929.28)

(c) Penalties for Parking Violations.

(1) General violations. Whoever is convicted of or pleads guilty to a violation of Title 7, Parking, including Chapter 351, Parking Generally (excluding handicapped parked locations) and Chapter 353, Parking Meters, shall be fined Twenty Dollars, (\$20.00) for each separate offense. However, the offender may waive appearance by filing a written plea of guilty and paying a fine of Ten Dollars, (\$10.00) so long as the waiver and payment of the fine is received by the Village within seventy-two (72) hours of the violation.

- (2) Handicapped. Whoever is convicted of or pleads guilty to a violation of Section 351.04 (handicapped parking locations) of the Traffic Code of the Village of Highland Hills shall be fined Forty Dollars, (\$40.00) for each separate offense. However, the offender may waive appearance by filing a written plea of guilty and paying a fine of Twenty-Five Dollars, (\$25.00) so long as the waiver and payment of the fine is received by the Village within seventy-two (72) hours of the violation.

303.991 COMMITTING AN OFFENSE WHILE DISTRACTED PENALTY.

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

- (1) "Distracted" means doing either of the following while operating a vehicle:
- A. Using an electronic wireless communications device, as defined in Ohio R.C. 4511.204, in violation of that section.
 - B. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.
- (2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of Section 331.43.
- (3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage or a circumstance affecting the health or safety of individuals.
- As used in subsection (a)(3) of this section:
- A. "Utility" means an entity specified in division (A), (C), (D), (E) or (G) of Ohio R.C. 4905.03.
 - B. "Utility service vehicle" means a vehicle owned or operated by a utility.

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

- (1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation or summons for a violation of any section of the Traffic Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars (\$100.00).

In lieu of payment of the additional fine of one hundred dollars (\$100.00), the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the Ohio Director of Public Safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars (\$100.00), so long as the offender submits to the court both the offender's payment in full and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under this section.

- (2) If the offender appears in person to contest the ticket, citation or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars (\$100.00).

If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars (\$100.00), the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars (\$100.00), the offender instead may elect to attend the distracted driving safety course described in subsection (b)(1) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars (\$100.00), so long as the offender submits to the court the offender's payment and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under this section.

(c) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of subsection (b) of this section that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the officer shall do both of the following:

- (1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
- (2) Ensure that such report indicates the offender's race.
(ORC 4511.991)

CHAPTER 333
OVI; Willful Misconduct; Speed

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| 333.01 Driving or physical control while under the influence. | 333.07 Street racing, stunt driving and street takeovers prohibited. |
| 333.02 Operation in willful or wanton disregard of safety. | 333.08 Operation without reasonable control. |
| 333.03 Maximum speed limits; assured clear distance ahead. | 333.09 Reckless operation on streets, public or private property. |
| 333.031 Approaching a stationary public safety, emergency, or road service vehicle. | 333.10 Operation in violation of immobilization order. |
| 333.04 Stopping vehicle; slow speed; posted minimum speeds. | 333.11 Texting or typing on mobile communication devices driving prohibited, hand held wireless telephone, minors prohibited. |
| 333.05 Speed limitations over bridges. | |
| 333.06 Speed exceptions for emergency or safety vehicles. | |

CROSS REFERENCES

See sectional histories for similar State law
 Drug of abuse defined - see Ohio R.C. 3719.011(A)
 Alcohol defined - see Ohio R.C. 4301.01(B)(1)
 Alteration of prima-facie speed limits - see Ohio R.C.
 4511.21, 4511.22(B), 4511.23
 Failure to control vehicle - see TRAF. 331.34
 Walking on highway while under the influence - see TRAF. 371.09

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

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

- F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
- G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.
- I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.
- J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
 - 1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
 - 2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
 - 3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - 4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
 - 5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

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

333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.

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

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

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.22)

333.05 SPEED LIMITATIONS OVER BRIDGES.

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

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.23)

333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

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

333.07 STREET RACING, STUNT DRIVING AND STREET TAKEOVERS PROHIBITED.

(a) As used in this section:

- (1) **BURNOUT.** A maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.
- (2) **DOUGHNUT.** A maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.
- (3) **DRIFTING.** A maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.
- (4) **STREET RACING.** 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. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Ohio R.C. 4511.21(B)(1)(a) to (B)(9) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.
- (5) **STREET TAKEOVER.** Blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.
- (6) **STUNT DRIVING.** Performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.
- (7) **WHEELIE.** A maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(b) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway, or on private property that is open to the general public.

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon. (ORC 4511.251)

333.08 OPERATION WITHOUT REASONABLE CONTROL.

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

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

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(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 subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a misdemeanor of the first degree punishable as set forth in Section 303.99.
(Ord. 2010-32. Passed 6-9-10.)

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

(a) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree.
(ORC 4503.236)

333.11 TEXTING OR TYPING ON MOBILE COMMUNICATION DEVICES DRIVING PROHIBITED, HAND HELD WIRELESS TELEPHONE, MINORS PROHIBITED.

(a) As used in this section, "mobile communication device" includes any of the following:

- (1) A wireless telephone;
- (2) A text-messaging device;
- (3) A personal digital assistant;
- (4) A computer used for personal communications between persons;
- (5) Any other substantially similar wireless device that is designed or used to communicate text or data.
- (6) As used in this section "text message or text messaging" means the act of touching the key(s)/virtual keys(s) or mouse or mouse pad of the mobile communication device for the purpose of sending a message electronically or responding to a message received.
- (7) Use or using means the act of talking on a cell phone, answering a cell phone or causing numbers to be entered into a cell phone so that a number may be entered and called.

(b) No person shall text message on a mobile communication device while operating a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic.

(c) No person shall use a mobile communication device for audio style communication while operating a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic, except and unless the mobile communication device is specifically designed for hands-free operation and employed in that manner.

(d) No person under eighteen (18) years of age shall use any mobile communication device while operating a motor vehicle.

(e) Any law enforcement officer with reasonable suspicion may cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (b), (c), or (d) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for the violation or for causing the arrest of or commencing a prosecution of a person for the violation. Any law enforcement officer may view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether the violation of this section has been or is being committed.

(f) Penalty. Whoever violates subsection (b), (c) or (d) above is guilty of a minor misdemeanor and is subject to the punishment set forth in Section 303.99. Whoever violates subsection (b), (c) or (d) above having once previously been convicted of this same offense within two years is guilty of a fourth degree misdemeanor. Whoever violates this section after having previously been convicted of this same offense two or more times is guilty of a third degree misdemeanor. If the offender was involved in a motor vehicle accident and another person was injured and text messaging or use of a mobile communication device by the offender was the proximate cause of the accident, the offense is a misdemeanor of the third degree.

(g) This section does not apply to a person using a mobile communication device for an emergency purpose, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

(h) This section does not apply to an emergency service professional using a mobile communication device while operating an authorized emergency vehicle, in the course and scope of his or her duties.

(i) This section does not apply to a person who removes his vehicle, trackless trolley, or streetcar from the street, highway or property open to the public for vehicular traffic, and places said vehicle, trackless trolley, or streetcar in a parked or stationary mode.

(j) Subsections (b), (c), and (d) shall take effect on July 1, 2012.
(Ord. 2012-44. Passed 6-13-12.)

- (ss) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.
- (tt) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (uu) "Professionally licensed person." Any of the following:
 - (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
 - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;
 - (3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under Ohio R.C. Chapter 4707;
 - (5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under R.C. Chapter 4709;
 - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;
 - (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring, advanced license to practice esthetics, advanced license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Ohio R.C. Chapter 4713;
 - (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Chapter 4715;
 - (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Chapter 4717;
 - (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;
 - (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;
 - (12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;
 - (13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;
 - (14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

- (15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 3776;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;
- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;

- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
- (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
 - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.
- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01. (ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(EDITOR'S NOTE: Former Ohio R.C. 2925.03 from which Section 513.02 was derived was superseded by the changes made to Ohio R.C. 3780.36 enacted by Initiative Petition. See "Section 513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals" for relevant provisions.)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

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

(b) (1) This section does not apply to the following:

- A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
 - D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.
- As used in subsection (b)(1)D. of this section, "deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

- (j) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.
- (k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
 - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (m) "Minor" means a person under the age of eighteen years.
- (n) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (o) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
- (p) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.
- (q) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.
- (r) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an under-garment.
(ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

(a) An owner or manager, or agent or employee of an owner or manager, of a bookstore, newsstand, theater, or other commercial establishment engaged in selling materials or exhibiting performances, who, in the course of business does any of the acts prohibited by Section 533.11, is presumed to have knowledge of the character of the material or performance involved, if the owner, manager, or agent or employee of the owner or manager has actual notice of the nature of such material or performance, whether or not the owner, manager, or agent or employee of the owner or manager has precise knowledge of its contents.

(b) Without limitation on the manner in which such notice may be given, actual notice of the character of material or a performance may be given in writing by the chief legal officer of the jurisdiction in which the person to whom the notice is directed does business. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles and bear the date of such notice.

(c) Section 533.11 does not apply to a motion picture operator or projectionist acting within the scope of employment as an employee of the owner or manager of a theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in the operator's or projectionist's place of employment, other than wages.

- (d)
 - (1) Sections 533.11, 533.12(a) and 533.13 do not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.
 - (2) Subsection (d)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of Section 533.11, 533.12 or 533.13, or who knowingly advertises the availability of material of that nature.
 - (3) Subsection (d)(1) of this section does not apply to a person who provides access or connection to an electronic method of remotely transferring information that is engaged in the violation of Section 533.11, 533.12 or 533.13, and that contains content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.
- (e) An employer is not guilty of a violation of Section 533.11, 533.12, or 533.13 based on the actions of an employee or agent of the employer unless the employee's or agent's conduct is within the scope of employee's or agent's employment or agency, and the employer does either of the following:
 - (1) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct.
 - (2) The employer recklessly disregards the employee's or agent's conduct.
- (f) It is an affirmative defense to a charge under Section 533.11 or 533.13 as the section applies to an image transmitted through the internet or another electronic method of remotely transmitting information that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology.
- (g) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.
(ORC 2907.35)

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

- (a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law.
(ORC 2907.04)

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.
- (4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
- (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

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

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 2907.02, 2907.03, 2907.04 or 2907.05, 2907.06 or former Section 2907.12 or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in Ohio R.C. 2929.24, the court may impose on the offender a definite jail term of not more than one year.
(ORC 2907.06)

533.05 IMPORTUNING.

(EDITOR'S NOTE: Former Section 533.05 has been deleted from the Codified Ordinances. Section 533.05 was identical to Ohio R.C. 2907.07(B) which the Ohio Supreme Court held to be unconstitutional in *State v. Thompson*, 95 Ohio St. 3rd 264 (2002).)

533.06 VOYEURISM.

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

(b) No person shall knowingly commit trespass or otherwise secretly or surreptitiously videotape, film, photograph, broadcast, stream, or otherwise record another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person.

(c) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person above, under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

(d) Whoever violates this section is guilty of voyeurism.

- (1) A violation of subsection (a) hereof is a misdemeanor of the third degree.
 - (2) A violation of subsection (b) hereof is a misdemeanor of the second degree.
 - (3) A violation of subsection (c) hereof is a misdemeanor of the first degree.
- (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others, who are in the person's physical proximity and who are not members of the person's household:

- (1) Expose the person's private parts;
- (2) Engage in sexual conduct or masturbation;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, who is a minor, and who is not the spouse of the offender:

- (1) Engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
- (4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.

- (c) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in subsections (c)(2), (3), (4) and (5) of this section.
- (2) Except as otherwise provided in subsection (c)(2) of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

CHAPTER 537
Offenses Against Persons

537.01	Negligent homicide.	537.12	Misuse of 9-1-1 system.
537.02	Vehicular homicide and manslaughter.	537.13	Adulterating of or furnishing adulterated food or confection.
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CROSS REFERENCES

See sectional histories for similar State law

Physical harm to persons defined - see GEN. OFF.

501.01 (c), (e)

Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENCE HOMICIDE.

(a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) A. Negligently;

- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.
- (c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:
- (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.

- (2) At the time of the offense, the offender was driving under suspension or cancellation under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10.

(d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

- (1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.
- (5) "Motor vehicle", "mini-truck" and "utility vehicle" have the same meaning as in Ohio R.C. 4501.01.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.06)

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.

(c) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

- A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is twenty-one years of age or older;
 - B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (3) In any criminal action in which the affirmative defense provided by subsection (c)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(ORC 2927.022)

(d) Shipment of Tobacco Products.

- (1) As used in this subsection (d):
- A. "Authorized recipient of tobacco products" means:
 - 1. In the case of cigarettes, a person who is:
 - a. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
 - b. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
 - c. An export warehouse proprietor as defined in Internal Revenue Code Section 5702;
 - d. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;
 - e. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
 - f. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
 - g. A person having a consent for consumer shipment issued by the Ohio Tax Commissioner under Ohio R.C. 5743.71.
 - 2. In the case of electronic smoking devices or vapor products, a person who is:
 - a. Licensed as a distributor of tobacco or vapor products under Ohio R.C. 5743.61;
 - b. A retail dealer of vapor products, as defined in Ohio R.C. 5741.01(C)(3), that is not licensed as a vapor distributor, as long as the tax levied by Ohio R.C. 5743.51, 5743.62, or 5743.63, as applicable, has been paid;
 - c. An operator of a customs bonded warehouse under 19 U.S.C. Section 1311 or 19 U.S.C. Section 1555;
 - d. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;

- e. A department, agency, instrumentality, or political subdivision of the federal government or of this state.
- B. "Motor Carrier," Has the same meaning as in Ohio R.C. 4923.01.
- (2) The purpose of this section is to prevent the sale of cigarettes, electronic smoking devices, and vapor products to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.
- (3) A. No person shall cause to be shipped any cigarettes, electronic smoking devices, and vapor products to any person in this municipality other than an authorized recipient of tobacco products.
- B. No motor carrier, or other person shall knowingly transport cigarettes, electronic smoking devices, and vapor products to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes, electronic smoking devices, and vapor products are transported to a home or residence, it shall be presumed that the motor carrier, or other person knew that the person to whom the cigarettes, electronic smoking devices, and vapor products were delivered was not an authorized recipient of tobacco products.
- (4) No person engaged in the business of selling cigarettes, electronic smoking devices, and vapor products who ships or causes to be shipped cigarettes, electronic smoking devices, and vapor products to any person in this municipality in any container or wrapping other than the original container or wrapping shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes, electronic smoking devices, and vapor products are shipped with the words "cigarettes", "electronic smoking devices", or "vapor products", as applicable.
- (5) A court shall impose a fine of up to one thousand dollars (\$1,000) for each violation of subsection (d)(3)A., (d)(3)B. or (d)(4) of this section. (ORC 2927.023)
- (e) Furnishing False Information to Obtain Tobacco Products.
 - (1) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.
 - (2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree. (ORC 2927.024)

537.17 RESERVED.

(Editor's note: This section was formerly 537.17 Criminal Child Enticement, based on Ohio R.C. 2905.05, Criminal Child Enticement. The Ohio Supreme Court held that Ohio R.C. 2905.05(A) was unconstitutionally overbroad in violation of the First Amendment. See *State v. Romage*, 138 Ohio St. 3d. 390 (2014).)

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

- (a) As used in this section:
- (1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
 - (2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.
- (b) No person, including a parent, guardian or other custodian of a child, shall do any of the following:
- (1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;
 - (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;
 - (3) Act in a way that contributes to an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant;
 - (4) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.
- (c) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (ORC 2919.24)

537.19 HAZING PROHIBITED.

- (a) As used in this section:
- (1) "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in Ohio R.C. 3719.011.
 - (2) "Organization" includes a national or international organization with which a fraternity or sorority is affiliated.
- (b)
- (1) No person shall recklessly participate in the hazing of another.
 - (2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization.
- (c)
- (1) No person shall recklessly participate in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to the other person.

- (2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person.

(d) Whoever violates subsections (b) or (c) of this section is guilty of hazing. A violation of subsections (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsections (c)(1) or (c)(2) of this section is a felony to be prosecuted under appropriate state law. (ORC 2903.31)

- (e) Reckless failure to immediately report knowledge of hazing.

- (1) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other public or private educational institution, who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred.
- (2) A violation of subsection (e)(1) of this section is a misdemeanor of the fourth degree, except that the violation is a misdemeanor of the first degree if the hazing causes serious physical harm.
(ORC 2903.311(B), (C))

537.99 PENALTY.

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

- B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).
 - C. A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
 - D. A fire investigator who is qualified to carry firearms while on duty under Ohio R.C. 109.774 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- (6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.
- B. 1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:
 - a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
 - b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
 - c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

- d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.
 2. A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".
 3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.
- C.
1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.