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FOR THE
CODIFIED ORDINANCES OF PATASKALA

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CODIFIED ORDINANCES OF THE CITY OF PATASKALA OHIO

Local legislation current through July 15, 2020

State legislation current through March 27, 2020

We, Michael W. Compton, Mayor and Kathy M. Hoskinson, Council Clerk, of the City of Pataskala, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, and Section 4.13 of the Charter, hereby certify that the general and permanent ordinances of the City of Pataskala, 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 City of Pataskala, Ohio, 2000, as amended to July 15, 2020.

/s/ Michael W. Compton
Mayor

/s/ Kathy M. Hoskinson
Council Clerk

NOTICE

The within CODIFIED ORDINANCES OF THE CITY OF PATASKALA are distributed by The City of Pataskala from time to time without charge to various public locations for various purposes, including the purposes of providing convenient access to the public and increasing awareness of regulations relevant to residency, commerce, and travel within the City of Pataskala.

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CITY OF PATASKALA, OHIO

ROSTER OF OFFICIALS

(2020)

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Jude Hampshire	At Large
Andrew Walther	At Large
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Melissa Carter	Second Ward, Vice President
Todd Barstow	Third Ward, President
Brandon Galik	Fourth Ward

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Bruce Brooks	Chief of Police
Alan Haines	Director of Public Services
Chris Sharrock	Director of Utility Services
Scott Fulton	Director of Planning
Kathy M. Hoskinson	Clerk of Council

The publisher
expresses his appreciation

to

KATHY M. HOSKINSON
Clerk of Council

and to all other officials and employees
who gave their time and counsel to
the 2000 codification
of the City's ordinances.

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2019-4351	11-18-19	955.14
2019-4355	2-18-20	1296.01 to 1296.15
2020-4358	3-2-20	1223.01 to 1223.11, 1223.99
2020-4359	3-16-20	1287.01 to 1287.15, 1287.99

(48) (a) **"Taxpayer"** means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter/ordinance. "Taxpayer" does not include a grantor trust or, except as provided in division (C)(48)(b)(i) of this section, a disregarded entity.

(b) (i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company.

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of ORC 718.01 as that section existed on December 31, 2004.

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(ii) For purposes of division (C)(48)(b)(i)(e) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least $400,000.

(49) **"Taxpayers' rights and responsibilities"** means the rights provided to taxpayers in Sections 171.09, 171.12, 171.13, 171.19(B), 171.20, 171.21, and Sections 5717.011 and 5717.03 of the ORC, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the ORC and resolutions, ordinances, and rules and regulations adopted by the City of Pataskala for the imposition and administration of a municipal income tax.

(50) **"Video lottery terminal"** has the same meaning as in Section 3770.21 of the ORC.

(51) **"Video lottery terminal sales agent"** means a lottery sales agent licensed under Chapter 3770. of the ORC to conduct video lottery terminals on behalf of the state pursuant to Section 3770.21 of the ORC.

(Ord. 2015-4241. Passed 11-16-15; Ord. 2017-4306. Passed 12-4-17.)

171.03 IMPOSITION OF TAX.

The income tax levied by the City of Pataskala at a rate of one percent (1.0%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City of Pataskala.

Individuals

(A) For residents of the City of Pataskala, the income tax levied herein shall be on all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income (Section 171.02 (C)(16)).

(B) For nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C) For residents and nonresidents, income can be reduced to "Municipal Taxable Income" as defined in Section 171.02 (C)(21). Exemptions which may apply are specified in Section 171.02 (C)(12).

Refundable credit for Nonqualified Deferred Compensation Plan

(D) (1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c) (i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the City of Pataskala with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(3) As used in this section:

A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

B. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.

C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.

(4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)

(b) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof 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 4511.61)

331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

(a) No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b) No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c) It shall be prima-facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

(d) 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.

331.42 LITTERING FROM MOTOR VEHICLE.

(a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b) No operator of a motor vehicle in operation upon any street, road or highway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

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

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

(a) As used in this section:

(1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:

A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

B. Provides hearing protection.

"Earphones" does not include speakers or other listening devices that are built into protective headgear.

(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:

A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

B. Provides hearing protection.

(b) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.

(c) This section does not apply to:

(1) Any person wearing a hearing aid;

(2) Law enforcement personnel while on duty;

(3) Fire Department personnel and emergency medical service personnel while on duty;

(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;

(5) Any person engaged in the operation of refuse collection equipment;
(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.84)

331.44 VEHICULAR OPERATION ON STREET CLOSED DUE TO RISE IN WATER LEVEL.

(a) No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to two thousand dollars ($2,000).

(b) A person who is issued a citation for a violation of subsection (a) hereof is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.

(c) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.
(2) In addition to the financial sanctions authorized or required under Section 501.99 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescurer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of two thousand dollars ($2,000). If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under division (B) of Ohio R.C. 2929.28, a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.

(d) As used in this section:
(1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.
(2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization. (ORC 4511.714.)

CHAPTER 335
Licensing; Accidents

335.01 Driver's license or commercial driver's license required.
335.02 Permitting operation without valid license; one license permitted.
335.021 Ohio driver's license required for in state residents.
335.03 Driving with temporary instruction permit; curfew.
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335.06 Display of license.
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335.071 Driving under OVI suspension.
335.072 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgement suspension.
335.073 Driving without complying with license reinstatement requirements.
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335.08 Operation or sale without certificate of title.
335.09 Display of license plates or validation stickers; registration.
335.091 Operating without dealer or manufacturer license plates.
335.10 Expired or unlawful license plates.
335.11 Use of illegal license plates; transfer of registration.
335.111 Registration within thirty days of residency.
335.12 Stopping after accident upon streets; collision with unattended vehicle.
335.13 Stopping after accident upon property other than street.
335.14 Vehicle accident resulting in damage to realty.
335.15 Suspension or revocation of license for reckless operation.

CROSS REFERENCES

See sectional histories for similar State law
Deposit of driver's license as bond - see Ohio R.C. 2937.221
Motor vehicle licensing law - see Ohio R.C. Ch. 4503
Driver's license law - see Ohio R.C. Ch. 4507
Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. Ch. 4510
State point system suspension - see Ohio R.C. 4510.03.6
State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11
Motorized bicycle operator's license - see Ohio R.C. 4511.521
Glass removal from street after accident - see TRAF. 311.01

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

(a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.

(2) No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a)(1) or (2) of this section may be admitted into evidence as prima-facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of subsection (a)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of subsection (a)(2) of this section. The person charged with a violation of subsection (a)(1) or (2) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:

(1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this subsection, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars ($1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours.

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;

(4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;

(6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;

(7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

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

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

335.09 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.

(a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191.

(2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(3) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.
(ORC 4503.21(A))

(b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.

(2) The offense established under subsection (a) of 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 4503.21(B), (C))

335.091 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

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

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

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

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

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

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

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

(m) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of a death.
(n) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this State, regardless of the penalty that may be imposed.
(o) "Foreign jurisdiction" means any jurisdiction other than a state.
(p) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.
(q) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.
(r) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.
(s) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that a driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.
(t) "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of Ohio R.C. 4511.01.
(u) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in Ohio R.C. 4501.01 and is used exclusively for purposes other than engaging in business for profit.
(v) "School bus" has the same meaning as in Ohio R.C. 4511.01.
(w) "State" means a state of the United States and includes the District of Columbia.
(x) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to Ohio R.C. 4506.09.
(y) "United States" means the fifty states and the District of Columbia.
(z) "Vehicle" has the same meaning as in Ohio R.C. 4511.01.
(ORC 4506.01)

341.02 EXEMPTIONS.

Section 341.02 has been deleted from the Codified Ordinances. Former Ohio R.C. 4506.02 from which Section 341.02 was derived was repealed by Am. Sub. H.B. No. 68, effective June 29, 2005. The exemptions are now contained in Section 341.03.

341.03 PREREQUISITES TO OPERATION OF A COMMERCIAL MOTOR VEHICLE.

(a) Except as provided in subsections (b) and (c) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this Municipality unless the person holds, and has in the person's possession, any of the following:

A. A valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles, or by another jurisdiction recognized by this State;

B. A valid examiner's commercial driving permit issued under Ohio R.C. 4506.13;

C. A valid restricted commercial driver's license and waiver for farm-related service industries issued under Ohio R.C. 4506.24;

D. A valid commercial driver's license temporary instruction permit issued by the Registrar, provided that the person is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license and who meets the requirements of Ohio R.C. 4506.06(B).

(2) No person who has been a resident of this State for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(b) Nothing in subsection (a) of this section applies to any qualified person when engaged in the operation of any of the following:

(1) A farm truck;

(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, joint fire district or the Ohio Fire Marshal;

(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;

(4) A recreational vehicle;

(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under Ohio R.C. Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;

(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserved technicians.

(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to Ohio R.C. Chapter 4905, 4921, or 4923.

(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise.

(9) A police SWAT team vehicle.

(10) A police vehicle used to transport prisoners.

(c) Nothing contained in subsection (b)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this State concerning the safe operation of commercial motor vehicles.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.03)

(h) (1) Except as provided in subsection (h)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subsection (i)(3) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.

(2) Subsection (h)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(i) (1) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.

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

A. At any time when lighted lights are required by Section 337.02(a)(1);

B. While carrying a passenger;

C. On any limited access highway or heavily congested roadway.

(3) Subsections (i)(1) and (i)(2)A. of this section do not apply to a person who operates or is a passenger in an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(j) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or electric bicycle.

(k) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.53)

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

(a) No person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled, skateboard or toy vehicle shall attach the same or self to any vehicle upon a roadway.

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

(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 4511.54)

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

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

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

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 4511.55)

373.05 SIGNAL DEVICE ON BICYCLE.

(a) A bicycle or electric bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle or electric bicycle shall not be equipped with nor shall any person use upon a bicycle or electric bicycle any siren or whistle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

(a) Every bicycle or electric bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle or electric bicycle is moving may be used to meet this requirement.

(2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

of the owner or harborer. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harborer. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behavior suggestive of rabies.

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

505.11 HUNTING AND DISCHARGE PROHIBITED.

(a) Except as otherwise provided herein, the hunting of animals or fowl within the Municipality or the discharge of firearms is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means except as permitted in subsection (b) hereof. However, nothing in this section shall be deemed to prohibit the killing of sick, diseased, infirm or injured animals, as well as rats and other undesirable rodents, provided such killing is done in a safe and humane manner.

(b) It shall be lawful to hunt and trap pursuant to Ohio Revised Code Chapters 1531 and 1533 and when in conformity with all Division of Wildlife rules when in a designated discharge zone.

(c) Discharge and Non-Discharge Map adopted.

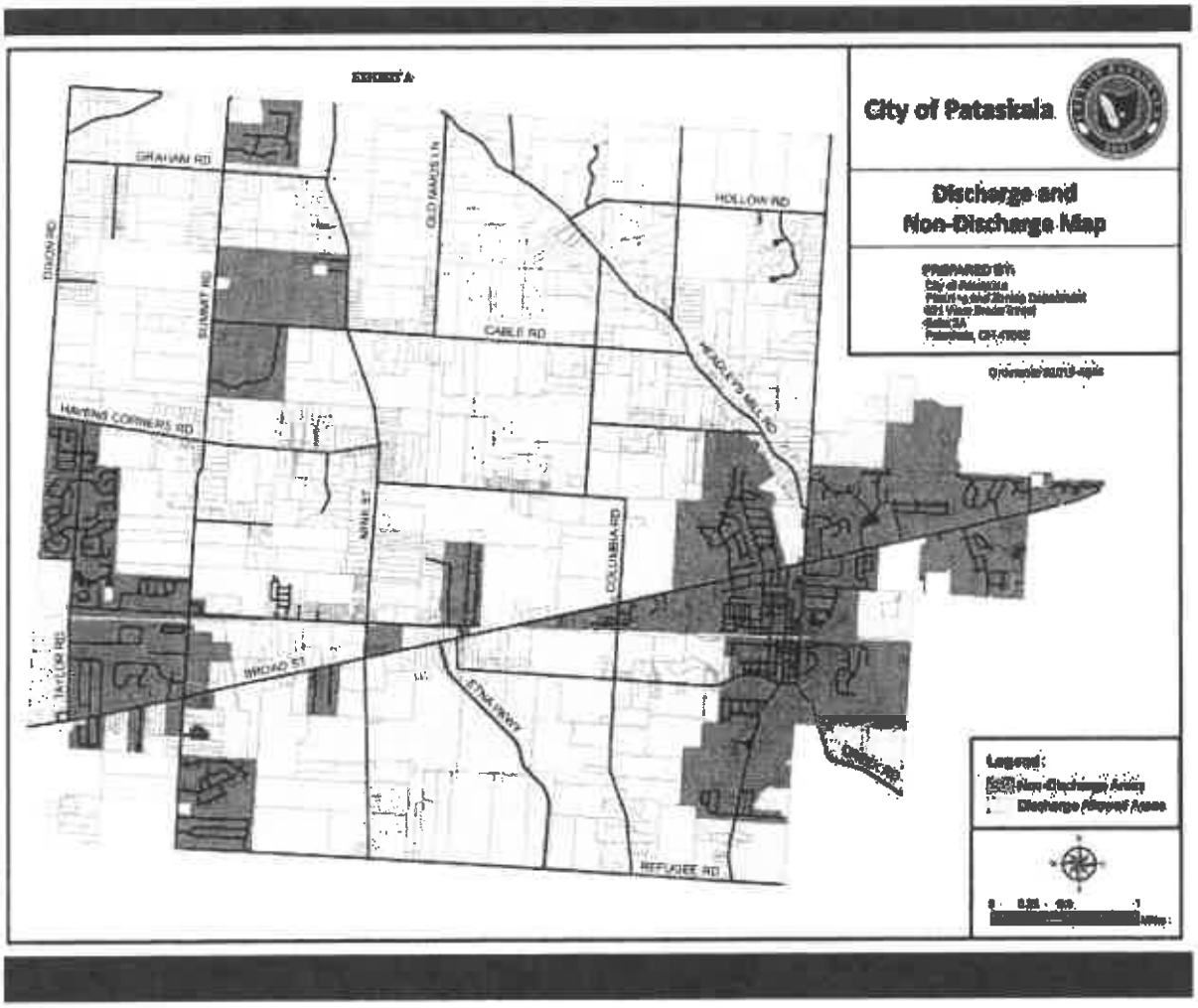
(1) Division of land. All land in the City is placed into either a discharge or non-discharge zone as it is shown on the Discharge and Non-Discharge Map of the City, which is hereby adopted and declared a part of this section.

(2) Final authority. The Discharge and Non-Discharge Map, as amended from time to time, shall be the final authority for the current hunting and trapping status of land or the discharge of firearms under the jurisdiction of this section.

(3) Land not otherwise designated. All land under this section and not designated or otherwise included within the discharge zone shall be included in a prohibited non-discharge zone.

(4) Identification of the Discharge and Non-Discharge Map. The Discharge and Non-Discharge Map with any amendments made thereon shall be identified by the following words:

> "Discharge and Non-Discharge Map" and containing the ordinance number and date of the adoption of the most recent amendment to said map by the Council of the City of Pataskala.
> (Ord. 2013-4154. Passed 9-16-13.)



(Ord. 2019-4344. Passed 9-3-19.)

CHAPTER 513
Drug Abuse Control

513.01 Definitions.
513.02 Gift of marihuana.
513.03 Drug abuse; controlled substance possession or use.
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513.11 Harmful intoxicants; possessing nitrous oxide in motor vehicle.
513.12 Drug paraphernalia.
513.121 Marihuana drug paraphernalia.
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513.15 Sale or possession of certain chemicals being marketed as, but not limited to bath salts.
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CROSS REFERENCES

See sectional histories for similar State law
Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19
Analysis report and notarized statement as evidence - see Ohio R.C 2925.51
Criteria for granting probation - see Ohio R.C 3719.70(B)
Adulterating food with drug of abuse - see GEN. OFF. 537.13
Using weapons while under the influence - see GEN. OFF. 549.03
Medical marijuana cultivators, processors and retail dispensaries - see BUS. REG. 745.01

513.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

(a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.

(b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.

(c) "Bulk amount." Of a controlled substance, means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:

A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;

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

E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

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

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

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

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

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

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

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in Ohio R.C. 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.

(d) "Certified grievance committee." A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.

(e) "Cocaine." Any of the following:

(1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.

(2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.

(3) A salt, compound, derivative or preparation of a substance identified in subsection (e)(1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(f) "Committed in the vicinity of a juvenile." An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(g) "Committed in the vicinity of a school." An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.

(h) "Controlled substance." Has the same meaning as in Ohio R.C. 3719.01.

(i) "Controlled substance analog." Has the same meaning as in Ohio R.C. 3719.01.

(j) "Counterfeit controlled substance." Any of the following:

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

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

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

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

(k) "Cultivate." Includes planting, watering, fertilizing or tilling.
(l) "Dangerous drug." Has the same meaning as in Ohio R.C. 4729.01.
(m) "Deception." Has the same meaning as in Ohio R.C. 2913.01.
(n) "Disciplinary counsel." The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
(o) "Dispense." Has the same meaning as in Ohio R.C. 3719.01.
(p) "Distribute." Has the same meaning as in Ohio R.C. 3719.01.
(q) "Drug." Has the same meaning as in Ohio R.C. 4729.01.
(r) "Drug abuse offense." Any of the following:
(1) A violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs, or any violation of Ohio R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
(2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in subsection (r)(1) of this definition.
(3) An offense under an existing or former law of any municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection (r)(1), (2) or (3) of this definition.
(s) "Drug dependent person." Has the same meaning as in Ohio R.C. 3719.011.
(t) "Drug of abuse." Has the same meaning as in Ohio R.C. 3719.011.
(u) "Felony drug abuse offense." Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.
(v) "Fentanyl-related compound." Any of the following:
(1) Fentanyl;
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-- phenylpropanamide);
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;
(10) Alfentanil;
(11) Carfentanil;
(12) Remifentanil;
(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

A. A chemical scaffold consisting of both of the following:

1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

D. The compound has not been approved for medical use by the United States food and drug administration.

(w) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:

A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.

B. Any aerosol propellant.

C. Any fluorocarbon refrigerant.

D. Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(x) "Hashish." The resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract or liquid distillate form.

(y) "Hypodermic." Has the same meaning as in Ohio R.C. 3719.01.

(z) "Juvenile." A person under eighteen years of age.

(aa) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in Ohio R.C. 4729.01.

(bb) "L.S.D." Lysergic acid diethylamide.

(cc) "Major drug offender." Has the same meaning as in Ohio R.C. 2929.01.

(dd) "Mandatory prison term." Has the same meaning as in Ohio R.C. 2929.01.

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

(ff) "Manufacturer." Has the same meaning as in Ohio R.C. 3719.01.

(gg) "Marihuana." Has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.

(hh) "Methamphetamine." Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.

(ii) "Minor drug possession offense." Either of the following:

(1) A violation of Ohio R.C. 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.

(2) A violation of Ohio R.C. 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.

(jj) "Official written order." Has the same meaning as in Ohio R.C. 3719.01.

(kk) "Person." Has the same meaning as in Ohio R.C. 3719.01.

(ll) "Pharmacist." Has the same meaning as in Ohio R.C. 3719.01.

(mm) "Pharmacy." Has the same meaning as in Ohio R.C. 3719.01.

(nn) "Possess" or "possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(oo) "Prescription." Has the same meaning as in Ohio R.C. 4729.01.

(pp) "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.

(qq) "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.

(rr) "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 certificate of registration as a registered barber under Ohio 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 cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, 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 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 sanitarian under Ohio R.C. Chapter 4736;

(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.

(ss) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.

(tt) "Sale." Has the same meaning as in Ohio R.C. 3719.01.

(uu) "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.

(vv) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.

(ww) "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 State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

(xx) "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.

(yy) "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 State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(zz) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(aaa) "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.

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

513.02 GIFT OF MARIHUANA.

(a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.

(b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(c) The court may by order suspend for not more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with Ohio R.C. 2925.03(G). If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.
(ORC 2925.03)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

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

(b) (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.

(2) A. As used in subsection (b)(2) of this section:

1. "Community addiction services provider" has the same meaning as in Ohio R.C. 5119.01.

CHAPTER 537
Offenses Against Persons

537.01 Negligent homicide.
537.02 Vehicular homicide and manslaughter.
537.021 Vehicular assault in a construction zone.
537.03 Assault.
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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 NEGLIGENT HOMICIDE.

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

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

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

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

(1) A. Negligently;

B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.

(2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance 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.

B. Two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 or any combination of those offenses that involved the same person who is the subject of the protection order or consent agreement;

C. One or more violations of this section.

(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.

(5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this subsection that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the Attorney General under Ohio R.C. 2903.214, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to Ohio R.C. 2743.191. The total amount paid from the reparations fund created pursuant to Ohio R.C. 2743.191 for electronic monitoring under this section and Ohio R.C. 2151.34 and 2903.214 shall not exceed three hundred thousand dollars per year.

(c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(d) In a prosecution for a violation of this section, it is not necessary for the prosecution to prove that the protection order or consent agreement was served on the defendant if the prosecution proves that the defendant was shown the protection order or consent agreement or a copy of either or a judge, magistrate, or law enforcement officer informed the defendant that a protection order or consent agreement had been issued, and proves that the defendant recklessly violated the terms of the order or agreement.

(e) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child. (ORC 2919.27)

537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS; TRANSACTION SCANS.

(a) Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products.

(1) As used in this section:

A. "Age verification." A service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.

B. "Alternative nicotine product."

1. Subject to subsection (a)(1)B.2. of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

2. The phrase does not include any of the following:

a. Any cigarette or other tobacco product;

b. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

c. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

d. Any product that is a "combination product" as described in 21 U.S.C. 353(g).

C. "Cigarette." Includes clove cigarettes and hand-rolled cigarettes.

D. "Distribute." Means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

E. "Electronic smoking device." Means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

F. "Proof of age." Means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.

G. "Tobacco product." Means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

H. "Vapor product." Means a product, other than a cigarette or other tobacco product as defined in Ohio R.C. Chapter 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. The phrase includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). The phrase includes any product containing nicotine, regardless of concentration.

I. "Vending machine." Has the same meaning as "coin machine" in Ohio R.C. 2913.01.

(2) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

A. Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any person under twenty-one years of age;

B. Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law;

C. Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

D. Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

E. Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

F. Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

(3) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

A. An area within a factory, business, office, or other place not open to the general public;

B. An area to which persons under twenty-one years of age are not generally permitted access;

C. Any other place not identified in subsection (a)(3)A. or B. of this section, upon all of the following conditions:

1. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

2. The vending machine is inaccessible to the public when the place is closed.

3. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of twenty-one to purchase tobacco or alternative nicotine products."

(4) The following are affirmative defenses to a charge under subsection (a)(2)A. of this section:

A. The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

B. The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under subsection (a)(2)A. of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

(5) It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:

A. The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.

B. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

C. The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.

(6) A. Whoever violates subsection (a)(2)A., B., D., E., or F. or (a)(3) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)A., B., D., E., or F. or (a)(3) of this section or a substantially equivalent state law or municipal ordinance, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

B. Whoever violates subsection (a)(2)C. of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)C. of this section or a substantially equivalent state law or municipal ordinance, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(7) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981. (ORC 2927.02)

(b) Transaction Scan.

(1) For the purpose of this subsection (b) and subsection (c) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent or employee.

B. "Identification card." An identification card issued under Ohio R.C. 4507.50 to 4507.52.

C. "Seller." A seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of subsection (a) of this section.

D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.

E. "Transaction scan device." Any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.

(2) A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder cigarettes, other tobacco products, or alternative nicotine products.

B. If the information deciphered by the transaction scan performed under subsection (b)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.

C. Subsection (b)(2)A. of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.

(3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (b) and subsection (c) of this section.

(4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:

1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;
2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.

B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (b)(4)A. of this section, except for purposes of subsection (c) of this section.

C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.

D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (c) of this section or another section of these Codified Ordinances or the Ohio Revised Code.

(5) Nothing in this subsection (b) or subsection (c) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away or other distribution of cigarettes, other tobacco products, or alternative nicotine products.

(6) Whoever violates subsection (b)(2)B. or (b)(4) of this section is guilty of engaging in an illegal tobacco product or alternative nicotine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars ($1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(ORC 2927.021)

(c) Affirmative Defenses.

(1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (a) of this section in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:

A. A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.

B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

C. The cigarettes, other tobacco products, or alternative nicotine products were sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (c)(1) of this section, the trier of fact in the action for the alleged violation of subsection (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (a) of

this section. For purposes of subsection (c)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

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 a person who is:

1. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
2. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
3. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;
4. An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;
5. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
6. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
7. A person having a consent for consumer shipment issued by the Tax Commissioner under Ohio R.C. 5743.71.

B. "Motor carrier." Has the same meaning as in Ohio R.C. 4923.01.

(2) The purpose of this division (d) is to prevent the sale of cigarettes 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 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 to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes 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 were delivered was not an authorized recipient of tobacco products.

(4) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this municipality in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes."

(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 CRIMINAL CHILD ENTICEMENT.

(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to accompany the person in any manner, including entering into any vehicle, or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:

(1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;

(2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

(b) No person, with a sexual motivation, shall violate subsection (a) of this section.

(c) No person, for any unlawful purpose other than, or in addition to, that proscribed by subsection (a) of this section, shall engage in any activity described in subsection (a) of this section.

(d) It is an affirmative defense to a charge under subsection (a) hereof that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

(e) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section or Ohio R.C. 2905.05, 2907.02, or 2907.03, or former Section 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony and shall be prosecuted under appropriate State law.

(f) As used in this section:
(1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
(2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
(3) "Vessel" has the same meaning as in Ohio R.C. 1546.01. (ORC 2905.05)

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 CURFEW FOR MINORS.

(a) It shall be unlawful for any person under the age of thirteen years to be in or upon any road, street, park, public land, public place or private business open to the public, in the incorporated limits of Pataskala, between the hours of sunset and 5:00 a.m. unless accompanied by a parent, guardian or other adult having the care and custody of the minor.

(b) It shall be unlawful for any person, age thirteen, fourteen or fifteen years, to be in or upon any road, street, park, public land, public place or private business open to the public in the incorporated limits of Pataskala, between the hours of 10:00 p.m. until 5:00 a.m. unless accompanied by a parent, guardian or other adult having the care and custody of the minor.

(c) It shall be unlawful for any person age sixteen or seventeen years to be in or upon any road, street, park, public land, public place or private business open to the public in the incorporated limits of Pataskala, between the hours of 11:00 p.m. until 5:00 a.m. unless accompanied by a parent, guardian or other adult having the care and custody of the minor.

(d) The following exceptions shall apply: On Friday and Saturday the time is extended for persons thirteen, fourteen and fifteen to 11:00 p.m. and persons sixteen and seventeen to 12:00 midnight.

(e) It shall not be unlawful for any juvenile to travel, traverse or be upon or in any such road, street, park, public land, or public place while directly enroute to or from: public or parochial school functions, school athletic games or events, municipal functions, religious services or functions, or any other organized function such as scouts, YMCA or YWCA, or while directly in the discharge of a bona fide and necessary errand or mission for the parent or legal guardian of such juvenile.

(f) Any juvenile taken into custody for violation of subsections (a), (b) or (c) hereof shall be placed in the following order of preference:

(1) Placed in the physical custody of their parent or guardian, if available, or,
(2) Taken to their lawful residence and placed in the custody of an adult residing therein, if available, or,
(3) Turned over to an officer of the Licking County Juvenile Court.

(g) A violation and conviction of subsections (a), (b) or (c) hereof shall constitute an unruly juvenile offense as defined in Ohio R.C. 2151.022 and penalized pursuant thereto.

(h) The parent, guardian or other adult having the care and custody of a minor who permits said minor to violate subsections (a), (b) or (c) hereof, may be charged with contributing to the unruliness of a minor as defined in Ohio R.C. 2919.24 and penalized pursuant thereto, a misdemeanor of the first degree.
(Ord. 94-3053. Passed 2-6-95.)

537.20 WRONGFUL INFLUENCE OF A MINOR.

(a) No person shall aid, abet, influence or encourage any child under the age of eighteen years and no parent or guardian of any child under the age of eighteen years shall permit any such child to:

(1) Violate Section 537.19.
(2) Be truant from home when such child has been reported as being truant from home to the police or juvenile authorities.
(3) Be truant from school when the laws of this State require such child's attendance in school.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.
(Ord. 78-863. Passed 10-2-78.)

537.21 INTERFERENCE WITH SCHOOL ACTIVITIES PROHIBITED.

(a) No person shall go upon any school property within this Municipality and make or do any offensive act, utterance, gesture or display which tends to disrupt or interfere educational classes or social and athletic activities then or about to be in progress.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 78-863. Passed 10-2-78.)

537.99 PENALTY.

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

CHAPTER 955
Public Parks

955.01 Definitions.
955.02 Hours of operation.
955.03 Personal conduct.
955.04 Removal or destruction of property and natural features.
955.05 Deposit of material.
955.06 Alcoholic beverages and illegal substances.
955.07 Firearms; weapons and explosives.
955.08 Fires.
955.09 Domestic animals.
955.10 Wild animals.
955.11 Vehicular traffic.
955.12 Ejection from parks.
955.13 Fishing.
955.14 Tobacco use prohibited.
955.99 Penalty.

955.01 DEFINITIONS.

As used in this chapter:

(a) "Park and Recreation Board" means the Board created under Section 7.04(A) of the Charter.

(b) "Park Director" means the Director appointed by the Park and Recreation Board.

(c) "Fish or fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing or using any device commonly used to fish whether resulting in such taking or not.

(d) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including but not limited to, automobiles, all-purpose vehicles, non-highway motorcycles, snowmobiles and motorized scooters or skateboards.

(e) "Officer" means a City police officer, the Park Director or any agent or employee of either.

(f) "City park" means any land or water owned, leased or otherwise operated and controlled by the City for recreational open space or similar and related purpose.

(g) "Park waters" means any lake, pond, reservoir, stream, pool, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial, located in or adjoining a park. (Ord. 2007-3817. Passed 10-15-07.)

955.02 HOURS OF OPERATION.

No person shall enter or remain in the park except during the permitted hours of use that are established by City Council or the City Administrator.

Specific event times may be established by the Parks and Recreation Advisory Board or by the Park Director, acting within the guidelines established by the Board.
(Ord. 2007-3817. Passed 10-15-07.)

955.03 PERSONAL CONDUCT.

(a) Disorderly Conduct. No person shall conduct himself or herself, by act or word, in a disorderly, boisterous, riotous or other manner so as to disturb the peace and good order in a City Park.

(b) Abusive Language. No person shall use abusive, insulting, indecent or threatening language in a City Park.

(c) Gambling. No person shall solicit or procure participants for, engage in or promote any game which is played for money or any other thing of value in a City Park.

(d) Loitering. No person shall loiter in the vicinity of shelters, equipment, restrooms or other facilities in a City Park. No person shall enter facilities in a City Park designated for the opposite sex.

(e) Indecent Exposure. No person shall make an indecent exposure of his or her person in a City Park.

(f) Assault. No person shall assault or threaten another in a menacing manner or strike or wound another in a City Park.

(g) Resisting or Obstructing an Officer. No person shall resist, obstruct or abuse an officer in a City Park while such officer is engaged in the lawful execution of his or her duties.
(Ord. 2007-3817. Passed 10-15-07.)

955.04 REMOVAL OR DESTRUCTION OF PROPERTY AND NATURAL FEATURES.

(a) No person in a City Park shall remove any property, natural feature or part thereof included, but not limited to, any building, equipment, sign, rock, stone, mineral foundation, earth, wood, tree, shrub, flower, plant, nut or other seed from a City Park.

(b) No person in a City Park shall injure, destroy, break, cut, chop, write upon, mutilate, set fire to, deface, dig, paint or damage any property, natural feature or part thereof, including but not limited to, any building, equipment, sign, rock, stone, mineral foundation, earth, wood, tree, shrub, flower, plant.

(c) No person in a City Park shall impound or cause to be impounded any park water or in any other way alter or affect the natural flow of such waters.
(Ord. 2007-3817. Passed 10-15-07.)

955.05 DEPOSIT OF MATERIAL.

(a) No person shall deposit, discard, dump or leave behind any material of any kind in a City Park, except materials arising from the normal use and enjoyment of a City Park and then only in receptacles provided for this purpose.

(b) No person shall, adjacent to a City Park, deposit, discard, dump or leave behind any noxious or waste material, including but not limited to, paper, garbage, ashes or refuse which may blow, wash or be otherwise transported into a City Park.

(c) No person in or adjacent to a City Park shall place or permit to be placed in any City Park waters any noxious or deleterious substance, either solid or liquid which may render such waters harmful to the public health, animal or plant life.
(Ord. 2007-3817. Passed 10-15-07.)

955.06 ALCOHOLIC BEVERAGES AND ILLEGAL SUBSTANCES.

No person shall possess or make use of any type of alcoholic beverage or illegal substance in a City Park. (Ord. 2007-3817. Passed 10-15-07.)

955.07 FIREARMS; WEAPONS AND EXPLOSIVES.

Unless otherwise authorized by Council, whether by Council or the City Administrator pursuant to the authority delegated by Council:

(a) No person shall carry on or about his person any firearm of any description, bows or arrows, air or gas guns, missiles, or sling shots while in a City Park.

(b) No person shall discharge a firearm of any description, bow or arrow, air or gas gun, missile or sling shot while in a City Park.

(c) No person shall bring into, fire, or have in his or her possession fireworks or explosives of any kind while in a City Park.

(d) This section shall not apply to police officers engaged in the lawful execution of their duties. (Ord. 2007-3817. Passed 10-15-07.)

955.08 FIRES.

(a) No person shall start or maintain a fire in a City Park except in a fireplace, grill or other site designated for such purpose.

(b) No person having started a fire in a designated area shall leave the fire unattended or leave the vicinity of the fire without first fully extinguishing the fire.

(c) No person shall deposit or scatter hot coals or ashes in any place in a City Park, other than in a receptacle designated for such purpose.
(Ord. 2007-3817. Passed 10-15-07.)

955.09 DOMESTIC ANIMALS.

Unless authorized by Council, or the City Administrator operating pursuant to delegated authority by the City Council, no person shall be permitted to have domestic animals in the City Parks unless they are on a leash. There will be no domestic animals on groomed areas. The only exception will be service dogs that are on a leash and controlled.
(Ord. 2011-4053. Passed 12-5-11.)

955.10 WILD ANIMALS.

Unless otherwise authorized by Council, whether by Council or the City Administrator pursuant to the authority delegated by Council:

(a) No person shall hunt, trap or in any way abuse, molest, injure, pursue, remove or destroy any natural animal found in a City Park.

(b) No person shall move, injure, molest or destroy any animal habitation in a City Park.

(c) No person shall abandon any animal in a City Park.

(Ord. 2007-3817. Passed 10-15-07.)

955.11 VEHICULAR TRAFFIC.

(a) Driving in Permitted Areas. No person shall operate a motor vehicle, as defined in Section 955.01, in a City Park, except on and within the roads and paths provided for such motor vehicles. The operation of a motor vehicle on grass in a City Park is explicitly prohibited. No person shall operate a motor vehicle on roads or paths in violation of signs designating the roads and paths for the use of a specific type of vehicle.

(b) Excluded Motor Vehicles. No person shall operate an all terrain vehicle or dirt bike in any City Park without written authorization.

(c) Reckless Operation. No person shall operate a motor vehicle, as defined in Section 955.01, in a City Park in such a manner as to endanger the operator, another person or property.

(d) Speed. No person shall operate a motor vehicle, as defined in Section 955.01, in excess of the posted speed limit of 15 MPH.

(e) Parking. No person shall park any motor vehicle, as defined in Section 955.01, in a City Park except in places designated for such purpose.

(Ord. 2007-3817. Passed 10-15-07.)

955.12 EJECTION FROM PARKS.

Officers, as defined in Section 955.01, are hereby authorized to order any person found violating any provision of this chapter to leave the City Park.

(Ord. 2007-3817. Passed 10-15-07.)

955.13 FISHING.

(a) Fishing shall be permitted in City of Pataskala Park waters, except in open swimming areas or where specifically prohibited.

(b) Everyone, who engages in fishing, shall obey all posted guidelines, and comply with all applicable City, State and Federal laws and regulations, including having a valid license if a license is required.

(c) If a fee is charged by the City for fishing in Park waters, no person shall fish in such waters without paying that fee.

(d) No person shall use lead fishing weights.

(e) Everyone, who engages in fishing, shall remove all fishing line fragments and hooks from land and waters once done fishing.

(f) All fish caught in Park waters shall be immediately released. The current Ohio Department of Natural Resources Catch and Release guidelines shall be followed.

(g) No person shall use traps, buckets, nets, spears, bows and arrows, barbed hooks or similar devices to catch fish.

(h) Fishing shall be conducted only with a rod and reel; with a maximum of one rod and one reel per person.

(i) Fishing shall be conducted only from the shore/edge of the water.

(j) At the City's sole discretion, the fish population will be controlled as deemed necessary, through means approved by City to include, but not limited to fishing derbies and City-sponsored fishing events.

(k) Unauthorized stocking or dumping of fish or bait is prohibited.
(Ord. 2019-4345. Passed 9-3-19.)

955.14 TOBACCO USE PROHIBITED.

(a) Purpose. The City of Pataskala is committed to providing a safe and healthy environment for its residents and visitors who use the City's many recreational areas. Tobacco use is the leading cause of preventable death and disease in the United States, and the U.S. Surgeon General determined there is no risk-free level of exposure to secondhand smoke.

Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes typically contain nicotine, which is highly addictive, and their use: (1) closely resembles and purposefully mimics the act of smoking; (2) produces an aerosol or vapor of undetermined and potentially harmful substances; (3) is increasing among adults and youth; (4) is especially concerning among youth because of the negative impacts of nicotine on the developing adolescent brain; (5) threatens to re-normalize smoking, potentially jeopardizing tobacco control efforts of the past and present; and (6) creates confusion and leads to difficulties enforcing smoking prohibitions.

Cigarettes and smokeless tobacco products once consumed in public spaces often become litter and require additional maintenance expenses. This litter diminishes the beauty and enjoyability of the City's park/recreational facilities.

The City of Pataskala believes tobacco use is detrimental to the public's health and has determined that prohibiting the use of tobacco products and electronic delivery devices in all recreational areas serve to protect the public's health, safety and welfare.

(b) Definitions.

(1) "All times" means twenty-four hours a day, seven days a week.

(2) "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah.

(3) "Recreational areas" mean all facilities, parks, trails, open space, and other property owned, leased, rented, contracted, used, or controlled by City of Pataskala for parks and recreational purposes. The term includes, but is not limited to, restrooms, spectator and concession areas, playgrounds, athletic fields, beaches, and aquatic areas.

(4) "Smoke or smoking" means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking includes being in possession of a lighted or heated cigar cigarette, pipe, or any other tobacco or plant product intended for inhalation, or an electronic delivery device that is turned on or otherwise activated.

(5) "Tobacco or tobacco product" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars and other smoking tobacco; snuff and other chewing tobacco; electronic delivery devices; and any other kinds and forms of tobacco. The term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

(6) "Tobacco use" means the act of smoking, the use of smokeless tobacco, the use of an electronic delivery devise, or the use of any other tobacco product.

(c) Prohibition. Tobacco use is prohibited at all times in or on all recreational areas or within 100 feet of a recreational area, except in designated parking lot area locations specified by the City of Pataskala.

Tobacco use as part of a Native American spiritual or cultural ceremony, is not a violation of this section if the tobacco use is requested in advance, and the City Manager, or his designee, approves the request prior to the ceremony.

(d) Signage shall be posted at conspicuous locations to inform residents, visitor, and recreational area users about the policy.
(Ord. 2019-4351. Passed 11-18-19.)

955.99 PENALTY.

Whoever violates or fails to comply with any provisions of this chapter shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
(Ord. 2007-3817. Passed 10-15-07.)

CODIFIED ORDINANCES OF PATASKALA

PART TWELVE - ZONING CODE

TITLE ONE - Zoning Administration

Chap. 1201. Purpose and Interpretation.
Chap. 1203. Definitions.
Chap. 1205. Measurements.
Chap. 1207. Administration.
Chap. 1209. Enforcement and Penalty.
Chap. 1211. Appeals and Variances.
Chap. 1213. Similar Uses.
Chap. 1215. Conditional Uses.
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TITLE THREE - Zoning Districts and Regulations

Chap. 1221. General Regulations.
Chap. 1223. Distressed Properties.
Chap. 1225. Agricultural District (AG).
Chap. 1227. Rural Residential District (RR).
Chap. 1229. Medium-Low Density Residential District (R-87).
Chap. 1231. Medium Density Residential District (R-20).
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Chap. 1235. High Density Residential District (R-10).
Chap. 1237. Village Single Family Residential District (R-7).
Chap. 1239. Multi-Family Residential District (R-M).
Chap. 1241. Manufactured Home Residential District (R-MH).
Chap. 1243. Professional Research-Office District (PRO).
Chap. 1245. Downtown Business District (DB).
Chap. 1247. Local Business District (LB).
Chap. 1249. General Business District (GB).
Chap. 1251. Light Manufacturing District (M-1).
Chap. 1253. Planned Manufacturing District (PM).
Chap. 1255. Planned Development Districts.
Chap. 1257. Flood Damage Prevention and Flood Plain Overlay District (FP).
Chap. 1259. Transportation Corridor Overlay District (TC).
Chap. 1261. Plan Districts in General.
Chap. 1263. Olde Towne Pataskala District.
Chap. 1265. Uses Defined by the North American Industrial Classification System (NAICS).

TITLE FIVE - Additional Zoning Standards
Chap. 1267. Home Occupations.
Chap. 1269. Rental Units.
Chap. 1271. Adult Entertainment Facilities.
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Chap. 1277. Hotels and Motels.
Chap. 1279. Fences.
Chap. 1281. Gasoline Service Stations.
Chap. 1283. Landscaping and Screening.
Chap. 1285. Nonconforming Uses and Structures.
Chap. 1287. Off-Site Impacts.
Chap. 1289. Oil and Gas Well Regulations.
Chap. 1291. Parking and Loading.
Chap. 1293. Wireless Telecommunications Facilities.
Chap. 1295. Signs.
Chap. 1296. Residential Appearance Standards.
Chap. 1297. Swimming Pools.
Chap. 1298. Temporary Activities.
Chap. 1299. Medical Marijuana Facilities.

ZONING MAP

TITLE THREE - Zoning Districts and Regulations

Chap. 1221. General Regulations.
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CHAPTER 1221
General Regulations

1221.01 Compliance with regulations.
1221.02 Intent of district regulations.
1221.03 Landscaping at driveway and street intersections.
1221.04 Vending machines.
1221.05 Accessory building regulations.
1221.06 Demolition requirements.
1221.07 Decks and patios.
1221.09 Porches and balconies.

1221.01 COMPLIANCE WITH REGULATIONS.

A. The following regulations for each district established in this Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the requirements specified for the district in which it is located, except as provided in Sections 1211.05 to 1211.07.
2. No building or other structure shall be erected or altered:
   a. To provide for greater height or bulk.
   b. To accommodate or house a greater number of families.
   c. To occupy a greater percentage of lot area.
   d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
3. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements, except as provided in Sections 1211.05 to 1211.07. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements, except as provided in Sections 1211.05 to 1211.07.

1221.02 INTENT OF DISTRICT REGULATIONS.

It is the intent of these regulations to identify the permitted uses, the conditionally permitted uses, and general requirements of each district, and other regulations as they pertain, in general, to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by other chapters of this Code. Standards and requirements not specifically included for each district but which are contained in this chapter and which are applicable to each district or use shall be applied as if stated in full in each of the chapters in Title Three of this Planning and Zoning Code.

Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or Board of Zoning Appeals as permitted or conditionally permitted in a district shall be referred to the Planning and Zoning Commission for determination, pursuant to Section 1213.01.

1221.03 LANDSCAPING AT DRIVEWAY AND STREET INTERSECTIONS.

A. To ensure that landscape materials do not constitute a vehicular or pedestrian hazard, a "sight triangle" shall be observed for all street intersections or intersections of driveways and streets. Within this sight triangle, no landscape material, except for grass or other ground cover shall be permitted. Within the sight triangle, trees may be permitted as long as, except during early growth stages, only the tree trunk (no leaves, limbs, etc) is visible between the ground and eight feet above the ground (as measured in relation to the centerline elevation of the intersecting streets), or otherwise does not present a traffic visibility hazard. The sight triangle is defined and illustrated below:

1. Driveway Intersection Sight Triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point connecting these points.
2. Street Intersection Sight Triangle. At street intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines and connecting these points.

CHAPTER 1223
Distressed Properties

1223.01	Purpose.	1223.06	Joint responsibility.
1223.02	Definitions.	1223.07	Enforcement.
1223.03	Applicability.	1223.08	Abatement by the person in charge.
1223.04	Declaration of distressed property.	1223.09	Abatementplan.
1223.05	Maintenance and security standards.	1223.10	Exceptions.
		1223.11	Supplemental code provisions.
		1223.99	Penalty.

1223.01 PURPOSE.

It is the intent and purpose of this chapter to protect the health, safety and welfare of the citizens of the City, reduce the potential for economic decline as a result of public nuisances on improved parcels, protect aesthetic standards deemed essential by the Pataskala community, and to preserve and protect property values within the City of Pataskala.
(Ord. 2020-4358. Passed 3-2-20.)

1223.02 DEFINITIONS.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Enforcing Official: The City Administrator or their designee.
Improved Property: Property which has located upon it a building, structure or other physical improvements.

Inspection: A close viewing of the property and the exterior of any structures located thereon from any legal vantage point and includes viewing of any interior portions of the structure which are visible from the outside of the structure.

Litter: Garbage, junk, refuse, and rubbish, and all other waste material including vegetative debris, which, if thrown, deposited or accumulated as prohibited in this chapter, is detrimental to the public health, safety and welfare and can be classified as a nuisance.

Nuisance: Any item, thing, manner, or condition whatsoever that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property or could otherwise be a hazard to the public health, safety or general welfare.

Owner: Every person or entity which, alone or jointly with others, has legal or equitable title to any property, dwelling, dwelling unit, mobile dwelling unit, building, or structure.

Person in Charge: A property owner, agent, occupant, lessee, contract purchaser, or other person having possession or control of property.

Property: Any real property, or portion thereof, located in the City of Pataskala.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.

Vacant: A building that appears to be partially or substantially empty of furnishings or appliances or otherwise legally occupied, or exists with any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that there is no intent or actions by the current owner or person in charge to occupy in the immediate future a property or building. (Ord. 2020-4358. Passed 3-2-20.)

1223.03 APPLICABILITY.

The provisions of this chapter shall apply to the following properties within the City of Pataskala:

(a) All parcels located within a platted subdivision
(b) All commercially zoned parcels
(c) All R-M - Multi-Family Residential zoned parcels
(d) All industrially zoned parcels
(e) All R-MH - Manufactured Home Residential zoned parcels
(f) All parcels one and one-half (1.5) acres or less.

(Ord. 2020-4358. Passed 3-2-20.)

1223.04 DECLARATION OF DISTRESSED PROPERTY.

(a) Any improved property within the City of Pataskala upon which is located an occupied or vacant building, as defined in this division, and which has located upon or within such improved property a nuisance condition which constitutes, or may constitute, a threat to the health, safety or welfare of any person, as determined by the enforcing official, is hereby declared a distressed property and is in violation of this chapter.

(b) Any improved property within the City of Pataskala that is in a condition which fails to meet the minimum maintenance requirements and security standards set forth in Section 1223.05, based upon the inspection of the enforcement official from any public right-of-way or adjacent property, where legally authorized, is hereby declared to be a distressed property and is in violation of this chapter. (Ord. 2020-4358. Passed 3-2-20.)

1223.05 MAINTENANCE AND SECURITY STANDARDS.

(a) Maintenance requirements.
  (1) Improved property shall be maintained in accordance with the terms and conditions set forth herein, all applicable City codes and ordinances, state laws, relevant sanitary codes, and the Ohio Building Code concerning external or visible maintenance.

(2) All front, side and rear yards shall be free of litter, refuse and debris, except temporary storage or placement of refuse and debris for appropriate disposal.

(3) Pools, fountains, hot tubs and spas shall be maintained so the water contained within them remains free and clear of hazards, litter, debris and shall not produce noxious odors nor act as a breeding ground for mosquitos. Pools, fountains, hot tubs and spas shall comply with the requirements of all applicable city codes and ordinances and the Ohio Building Code.

(4) The exterior of a structure shall be kept and maintained in good repair, structurally sound and sanitary without excessive peeling and chipped paint to a degree that it detracts from the structure when viewed from an adjacent property, where authorized, or any public right-of-way or becomes a hazard to the public health, safety or general welfare. Walls shall be free of holes, loose or rotten wood, be weatherproofed and coated with paint, siding or similar protection to prevent deterioration.

(5) The roof and flashing shall be sound, tight and not have defects that admit leaks. Roof drains, gutters and downspouts shall be maintained in good repair and properly affixed. Roof water shall not be discharged in a manner that creates a nuisance.

(6) Every exterior stair, ramp, landing, balcony, porch, deck or other walking surface, including sidewalks, shall be maintained and kept in sound condition and minimally safe repair.

(7) The roof, siding, awnings, chimneys, sheds, and other exterior structural elements of a property shall be kept and maintained in good repair and anchored in such a manner as not to become a flying projectile in high winds.

(b) Security requirements.

(1) Improved property that is determined to have a vacant building upon inspection shall be kept in a secure manner so as to be kept inaccessible to wildlife or unauthorized persons. A secure manner shall include, but not limited to, the closure and locking of all windows, doors, gates and other building or structure openings of such size that may allow access to the interior of a building or structure. Broken doors and window shall be secured and repaired or completely replaced within ten days of being damaged to the point that such door or window does not secure the building.

(2) Any excavations, swimming pools, hot tubs, spas, at grade fountains or other attractive nuisances shall be properly secured and comply with City codes and ordinances and the Ohio Building Code.
(Ord. 2020-4358. Passed 3-2-20.)

1223.06 JOINT RESPONSIBILITY.

If more than one person or entity is a person in charge of the property, then all such persons or entities shall be jointly and severally liable for abating the distressed property violation. (Ord. 2020-4358. Passed 3-2-20.)

1223.07 ENFORCEMENT.

(a) If it is determined upon inspection that a violation of this chapter exists, the enforcing official shall cause written notice to be served upon the person in charge, notifying them that the property has been declared a distressed property and is in violation of this chapter.

(b) The enforcing official shall post notice on the violating property and shall send notice to the person in charge by regular U.S. mail giving ten days to correct the violation. For purposes of this chapter, service of the notice is complete upon such mailing.
(Ord. 2020-4358. Passed 3-2-20.)

1223.08 ABATEMENT BY THE PERSON IN CHARGE.

Within ten days upon service of the notice, the person in charge shall remove or correct the nuisance or violation or shall apply for an abatement plan as provided in Section 1223.09 of this chapter. The violation shall be enforced as authorized in this chapter in the event that:

(a) The nuisance is not corrected within the period of time specified; or
(b) An abatement plan is not applied for, as required; or
(c) In the event the abatement plan is denied by the enforcing official and a date for abatement is specified but not complied with; or
(d) If an approved abatement plan is not complied with as to timeframes or requirements. (Ord. 2020-4358. Passed 3-2-20.)

1223.09 ABATEMENT PLAN.

(a) Should the violation to be remedied be costly or extensive, the person in charge or their designee may apply for an abatement plan, in writing, with the enforcing official. This application shall include the following:

(1) Justification for the need of an abatement plan including, but not limited to, excessive costs or extensive work to remedy, and
(2) A detailed plan describing each violation to be remedied; and
(3) A timeline for completing each violation to be remedied.

(b) The enforcing official shall review the application and either approve, approve with conditions, or deny the abatement plan within ten days of receipt of the abatement plan. Written notice of the enforcing official's decision shall be provided to the person in charge or their designee.

(c) The person in charge or their designee shall apply for any and all of the requisite zoning and building permits, if any, within fourteen days of the issuance of an approved abatement plan and follow all requirements and timeframes of the approved abatement plan. Failure to do so shall render the approved abatement plan null and void, unless an extension or amendment is approved, in writing, by the enforcing official. (Ord. 2020-4358. Passed 3-2-20.)

1223.10 EXCEPTIONS.

This chapter shall not apply to a building and/or property that is actively undergoing construction or repair as evidenced by a valid zoning and/or building permit and the person in charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety and health concerns.
(Ord. 2020-4358. Passed 3-2-20.)

1223.11 SUPPLEMENTAL CODE PROVISIONS.

This chapter is supplemental to all other provisions and requirements of the Pataskala Code or Ordinances and nothing herein shall be considered to limit, in any way, the enforcement of any condition or violation through any other provision of the Code of Ordinances, the Ohio Building Code or any other applicable state or local law.
(Ord. 2020-4358. Passed 3-2-20.)

1223.99 PENALTY.

Whoever violates any provision of this chapter shall be subject to the penalties in Section 1209.99 of the Pataskala Code of Ordinances.
(Ord. 2020-4358. Passed 3-2-20.)

TITLE FIVE - Additional Zoning Standards

Chap. 1267. Home Occupations.
Chap. 1269. Rental Units.
Chap. 1271. Adult Entertainment Facilities.
Chap. 1273. Bed and Breakfast Facilities.
Chap. 1275. Cluster Housing.
Chap. 1277. Hotels and Motels.
Chap. 1279. Fences.
Chap. 1281. Gasoline Service Stations.
Chap. 1283. Landscaping and Screening.
Chap. 1285. Nonconforming Uses and Structures.
Chap. 1287. Off-Site Impacts.
Chap. 1289. Oil and Gas Well Regulations.
Chap. 1291. Parking and Loading.
Chap. 1293. Wireless Telecommunication Facilities.
Chap. 1295. Signs.
Chap. 1296. Residential Appearance Standards.
Chap. 1297. Swimming Pools.
Chap. 1298. Temporary Activities.
Chap. 1299. Medical Marijuana Facilities.

CHAPTER 1267
Home Occupations

1267.01 Purpose.
1267.02 Description of Type A and Type B accessory home occupations.
1267.03 Use-related regulations.
1267.04 Site-related standards.
1267.05 Impact-related standards.
1267.06 Type A and B home occupation permit.

CROSS REFERENCES
Home occupation defined - see P. & Z. 1203.03
Bed and breakfast facilities - see P. & Z. Ch. 1273

1267.01 PURPOSE.

Accessory home occupations are activities accessory to uses in the Household Living category. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.

1267.02 DESCRIPTION OF TYPE A AND TYPE B ACCESSORY HOME OCCUPATIONS.

There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

A. Type A. A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.

B. Type B. A Type B home occupation is one where either one employee or customers come to the site. Examples are counseling, tutoring, daycare, and hair cutting and styling.

C. Bed and breakfast facility. Bed and breakfast facilities are exempt from the regulations of this chapter. The regulations for bed and breakfast facilities are stated in Chapter 1273.

D. Family daycare. Family daycare for up to 6 children at one time and in which no more than 3 children may be under two years of age at one time (Type B family day-care home, Ohio R.C. 5104) is exempt from the regulations of this chapter.

1267.03 USE-RELATED REGULATIONS.

A. Allowed uses. The intent of the regulations of this chapter is to establish performance standards for all accessory home occupations rather than to limit the allowed uses to a specific list. Uses which comply with the standards of this chapter are allowed by right unless specifically listed in subsection B. below.

B. Prohibited uses.

1. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
2. Accessory home occupations may not serve as dispatch centers where employees come to the site and are dispatched to other locations.
3. A Type B accessory home occupation is prohibited in a residence with an accessory rental unit.

C. Additional Type B home occupation regulations. The following additional regulations apply to Type B home occupations.

1. Hours. Customers may visit the site only during the hours of 7:00 a.m. to 9:00 p.m.
2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation. For the purpose of this chapter, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. Variances to this subsection are prohibited.

CHAPTER 1287
Off-Site Impacts

1287.01	Purpose.	1287.09	Glare.
1287.02	Applying these regulations.	1287.10	Fire hazard.
1287.03	Transitional period exemptions.	1287.11	Electromagnetic radiation disturbance.
1287.04	Relationship to other regulations.	1287.12	Erosion.
1287.05	Noise.	1287.13	Water pollution.
1287.06	Vibration.	1287.14	Measurements.
1287.07	Odor.	1287.15	Documentation in advance.
1287.08	Air pollution.	1287.99	Penalty.

CROSS REFERENCES
General nuisance provisions - see GEN. OFF. Ch. 521

1287.01 PURPOSE.

The regulations of this chapter are designed to protect uses in all districts from certain objectionable off-site impacts. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards and nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a district based solely on the general characteristics of similar industries in the past.
(Ord. 2020-4359. Passed 3-16-20.)

1287.02 APPLYING THESE REGULATIONS.

Uses in all districts which cause off-site impacts, including non-conforming uses, are required to meet the standards of this chapter. Transition for existing equipment and facilities is stated in Section 1287.03 below.
(Ord. 2020-4359. Passed 3-16-20.)

1287.03 TRANSITIONAL PERIOD EXEMPTIONS.

All existing non-conforming machinery, equipment, facilities and uses shall conform to these standards within one year of the effective date of this Code. An extension of up to six months may be granted by the Commission if the owner or operator of the use can demonstrate in writing that compliance would create an unreasonable hardship. Any new or additional machinery, equipment, facilities, and uses must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site. (Ord. 2020-4359. Passed 3-16-20.)

1287.04 RELATIONSHIP TO OTHER REGULATIONS.

The off-site impact standards are in addition to all other City regulations. The standards do not replace, and may be more stringent than, regulations of the state and/or federal Environmental Protection Agency, relevant county regulations, or standards such as the Uniform Fire Code. The most stringent regulations shall apply in the event of conflict between regulations. Methods and procedures for the determination of the existence of any elements which are dangerous or create a nuisance shall conform to applicable standard measurement procedure published by the American National Standards Institute, Inc., New York, Chemical Manufacturers' Association, Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.
(Ord. 2020-4359. Passed 3-16-20.)

1287.05 NOISE.

(a) Noise standard. Continuous, frequent, or repetitive noise which exceeds 60 dBA (decibels) may not be produced. Noise from external speakers shall not be audible by an occupant of an adjacent property at the property line nearest the source of the speaker noise.

(b) Exceptions. Noise from temporary construction is exempt. Noise from vehicles which leave the site (such as trucks, trains, airplanes and helicopters) is exempt. Air-raid sirens and related apparatus used solely for public purposes are exempt. Noise lasting less than five minutes per day is also exempt. Noise from primarily on-site vehicles and equipment is not exempt. (Ord. 2020-4359. Passed 3-16-20.)

1287.06 VIBRATION.

(a) Vibration Standard. Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.

(b) Exceptions. Vibrations from temporary construction are exempt. Vibrations from vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than five minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

(c) Measurement. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.
(Ord. 2020-4359: Passed 3-16-20.)

1287.07 ODOR.

(a) Odor Standard. Continuous, frequent, or repetitive odors may not be produced which exceed scentometer No. 0. The odor threshold is the point at which an odor may just be detected. The scentometer reading is based on the number of clean air dilutions required to reduce the odorous air to the threshold level. Scentometer No. 0 is 1 to 2 dilutions of clean air.

(b) Exception. An odor detected for less than fifteen minutes per day is exempt.
(Ord. 2020-4359. Passed 3-16-20.)

1287.08 AIR POLLUTION.

Air Pollution Regulation. Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency and/or the Administrator of the US Environmental Protection Agency.
(Ord. 2020-4359. Passed 3-16-20.)

1287.09 GLARE.

(a) Glare standard. Glare is illumination caused by all types of lighting or from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.

(b) Strobe lights. Strobe lights visible from another property are not allowed.
(Ord. 2020-4359. Passed 3-16-20.)

1287.10 FIRE HAZARD.

Fire Hazard standard. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger and shall meet all requirements of the State of Ohio Fire Marshal.
(Ord. 2020-4359. Passed 3-16-20.)

1287.11 ELECTROMAGNETIC RADIATION DISTURBANCE.

Electromagnetic Radiation Disturbance Standard. No activity shall emit dangerous electromagnetic radiation beyond the site which adversely affects health or the operation of any equipment at any point other than that of the creator of such disturbance.
(Ord. 2020-4359. Passed 3-16-20.)

1287.12 EROSION.

Erosion standard. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties. All requirements as outlined in Chapter 1283, in the Pataskala Subdivision Regulations, and/or all State laws pertaining to erosion control must be adhered to. (Ord. 2020-4359. Passed 3-16-20.)

1287.13 WATER POLLUTION.

Water Pollution standard. Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency, the Administrator of the US Environmental Protection Agency, the Army Corps of Engineers, as well as those outlined in the State of Ohio's Wellhead Protection Guidelines.
(Ord. 2020-4359. Passed 3-16-20.)

1287.14 MEASUREMENTS.

(a) Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

(b) If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code.
(Ord. 2020-4359. Passed 3-16-20.)

1287.15 DOCUMENTATION IN ADVANCE.

The Zoning Inspector may require submission of documentation in advance that a proposed use will conform with these standards; in these situations, all of the following additional information is required of the applicant prior to issuing a zoning permit:

(a) Use Description. A description of the use or activity regarding processes, materials used, storage, waste disposal, types of machinery and other such items as it relates to off-site impacts. However, the applicant is not required to reveal any trade secrets which would cause any secret manufacturing procedure, compound or product to become public knowledge and available to competitors;

(b) Abatement Devices. An explanation of any mechanisms or techniques which are proposed to restrict any hazardous or nuisance effects, including the type and location of any abatement devices and/or recording instruments to measure conformance with the required standard; and

(c) Expert Evaluation. An evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed activity can achieve the off-site impact standard or standards in question.
(Ord. 2020-4359. Passed 3-16-20.)

1287.99 PENALTY.

Whoever violates any provision of this chapter shall be subject to the penalties in Section 1209.99 of the Pataskala Code of Ordinances.
(Ord. 2020-4359. Passed 3-16-20.)

CHAPTER 1296
Residential Appearance Standards

1296.01 Purpose.
1296.02 Applicability.
1296.03 Definitions.
1296.04 Architectural diversity.
1296.05 Asphalt dimensional shingles.
1296.06 Chimneys.
1296.07 Driveways.
1296.08 Finish building materials.
1296.09 Foundations.
1296.10 Four-sided architecture.
1296.11 Garages.
1296.12 Porches.
1296.13 Roof pitch.
1296.14 Window trim and shutters.
1296.15 Vinyl houses.

1296.01 PURPOSE.

Residential development in the City of Pataskala has a direct effect on the character and livability of the community. Therefore, the City of Pataskala has the responsibility to adopt standards that promote desirable residential development that fits the context and character of the existing community. These standards are designed to increase the quality of neighborhoods, to promote positive architectural appearance within residential areas, to encourage design flexibility and creativity, to establish an interesting, aesthetically pleasing residential environment, and to promote durable quality materials that will allow residential neighborhoods to endure and mature for future generations in the City of Pataskala. The following findings warrant the need for exterior appearance requirements for residential development:

(a) The adopted comprehensive plan recommends promoting high quality standards in building design that is in good scale and harmony with surrounding neighborhoods and buildings, and the natural surroundings.

(b) Providing for compliance with appearance regulations will assist in creating quality development within residential neighborhoods.

(c) Limiting the garage appearance within the front elevation limits the negative visual impact.

(d) A balance of natural and synthetic building materials allows for design creativity and promotes a high-quality development.

(e) Trim around windows completes the appearance on every elevation.

(f) Placing windows, doors, porches and other features on each elevation enhances the visual environment, avoids large areas of blank exterior walls, and contributes to the overall architectural diversity of a neighborhood.

(g) The lack of detailing, architectural features, and trim on elevations detracts from a dwelling and reduces the visual quality of a neighborhood.

(Ord. 2019-4355. Passed 2-18-20.)

1296.02 APPLICABILITY.

(a) These standards shall apply to:

(1) The construction of a new house within a Major Subdivision approved following the effective date of this chapter.

(2) The addition or alteration of an existing house within a Major Subdivision constructed in compliance with the standards of this chapter.

(b) These standards are the minimum appearance requirements except as may be specifically approved in a Planned Development District ordinance. Planned Development District proposals shall demonstrate how the proposal addresses the purpose of the residential appearance standards to replace these minimum requirements. In the case of absent, or non-specific requirements in a Planned Development District ordinance, the more restrictive requirement shall apply.

(c) These standards shall be in addition to all applicable zoning and development requirements of the Pataskala Code.

(Ord. 2019-4355. Passed 2-18-20.)

1296.03 DEFINITIONS.

Blank Elevation: An elevation that lacks the minimum required openings and architectural features, such as windows, doors, exterior chimneys, or other similar architectural features.

Cantilevered Chimney: A chimney that projects from the exterior wall and does not have a foundation or extension to the ground.

Chimney: A structure projecting from the exterior wall of a house and enclosing or appearing to enclose a flue that carries off smoke. A chimney may or may not extend vertically to the eaves line or have a foundation/connection to the ground.

Corbel: A build out of one or more courses of brick or stone from the face of a wall, traditionally to form a support for timbers.

Cornice: Overhand of a pitched roof at the eaves line, usually consisting of a facia board, a soffit for a closed cornice, and appropriate moldings.

Direct Vent Outlet: An outlet through an exterior wall associated with the air supply and/or exhaust of a fire burner. It may or may not occur in a projecting box/chimney.

Dormer: A window set vertically in a structure projecting through a sloping roof; also the roofed structure containing that window.

Eaves: The margin or lower part of a roof projecting over a wall.

Elevation: A geometric projection of the front, side, or rear outer surface of a building onto a plane perpendicular to the horizontal; a vertical projection.

Facade: The front, sides, or rear faces of a building.

Fascia: A horizontal piece, such as a board, covering the joint between the top of a wall and the projecting eaves also call a facia board.

Frieze Board: A decorated band along the upper part of an exterior wall. In house construction a horizontal member connecting the top of the siding with the soffit of the cornice. Foundation Cladding: An aesthetic enhancement to the foundation concealing exposed portions with an approved material.

Gable: The vertical triangular end of a building from cornice or eaves to ridge, the similar end of a gambrel roof, the end wall of a building, and/or a triangular part of a structure.

House: For the purposes of this chapter, one, two, and three-family dwelling units.

Major Subdivision: The creation of six or more lots, including the remainder, from the original parcel and/or the creation or extension of any roads or easements of access.

Masonry: Natural or natural-appearing stone or brick.

Plinth: A continuous, usually projecting course of stone or brick forming the base our foundation of a wall.

Projection: Any component of a structure that extends out from the main building.

Quoin: Corner stones that anchor the edge of the building wall or decorative feature to imitate corner stones, which wrap the corner of an elevation and join two abutting walls.

Shed-type Chimney: A chimney that does not extend full height vertically to the eaves line. A shed chimney typically includes a direct vent outlet in the chimney wall.

Soffit: The exposed undersurface of any overhead component of a building.

Stucco: A coarse plaster composed of Portland or masonry cement, sand, and hydrated lime mixed with water and applied in a plastic state to form a hard exterior coating.

Trim: The finished woodwork or similar architectural element used to enhance, border or protect the edges of openings or surfaces, such as windows or doors.

Vinyl Siding Accessories: Exterior design elements that serve to provide more visual interest and complement the primary home design.

Water Table: A projecting brick or stone stringcourse, molding or ledge placed to divert rainwater from a building. (Ord. 2019-4355. Passed 2-18-20.)

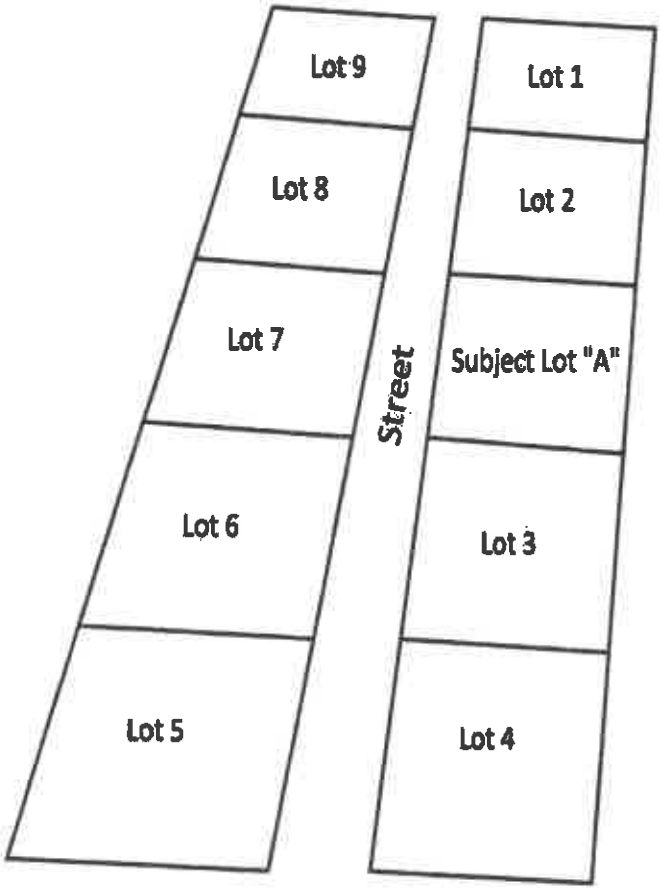
1296.04 ARCHITECTURAL DIVERSITY.

All single-family residential development shall incorporate architectural diversity whereby:

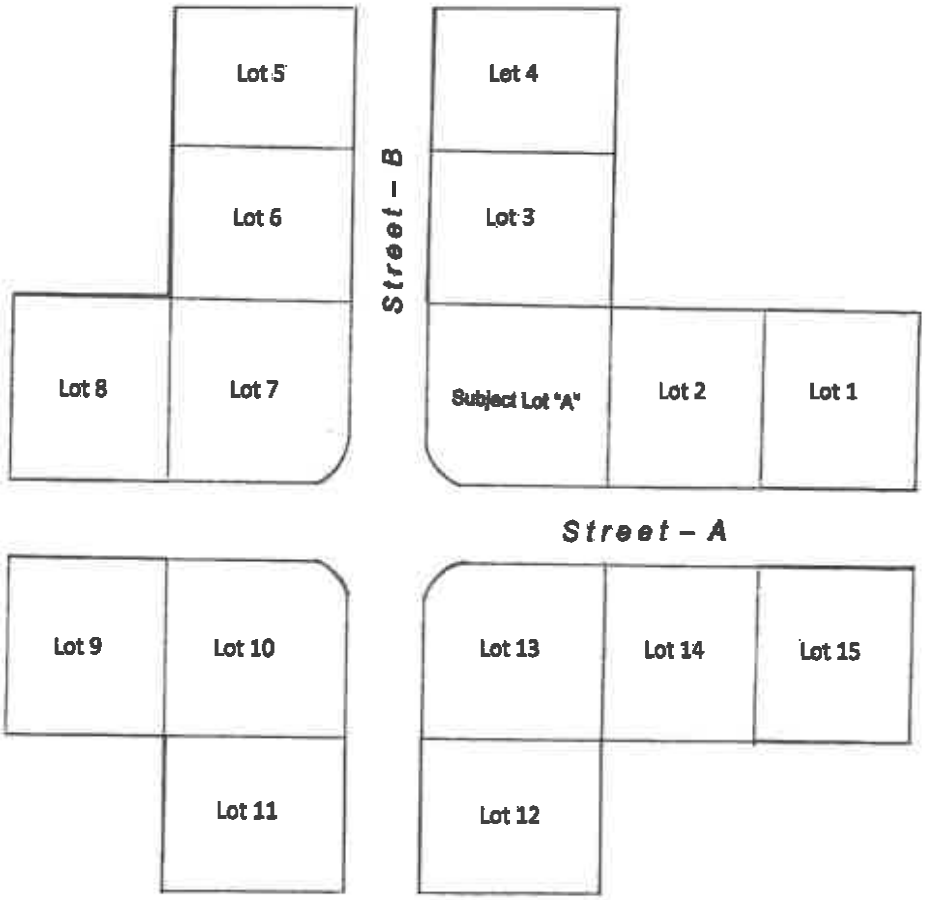
(a) The same house model shall not be directly across the street, and

(b) A minimum two lot separation shall be required between the same house model on the same side of the street or diagonal from each other.

Example A: The house model located on Subject Lot "A" cannot occur on lots 1 through 9.



Example B: The house model located on Subject Lot "A" cannot occur on lots 1 through 15.



(Ord. 2019-4355. Passed 2-18-20.)

1296.05 ASPHALT DIMENSIONAL SHINGLES.

Asphalt dimensional shingles shall be a 25-year "true" dimensional shingle. Painted shadows are not permitted. Shingles shall have a minimum weight of 240 pounds per 100 square feet and be installed according to the manufacturer's specifications.
(Ord. 2019-4355. Passed 2-18-20.)

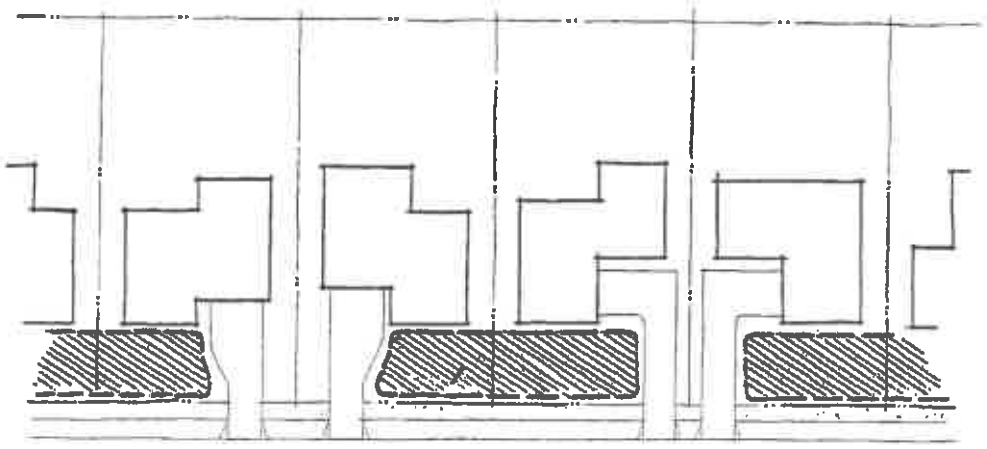
1296.06 CHIMNEYS.

All chimneys shall extend full height from the ground and vertically past the eaves line. Cantilevered and shed-type chimney are prohibited. Chimneys shall be finished in masonry or stucco but need not match the background wall in material or color.
(Ord. 2019-4355. Passed 2-18-20.)

1296.07 DRIVEWAYS.

Driveways shall be constructed of concrete, asphalt or brick pavers; however, a similar construction material as an alternative may be approved as part of a Planned Development District ordinance. All driveway aprons shall be constructed of concrete. The maximum driveway width at the right-of-way line shall be 16 feet, not including the apron. Apron curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway material on each side. Driveways and curb cuts shall be located not less than three feet from the side lot line. Driveways shall have a maximum grade of 10 percent. Driveways shall be designed to be grouped to increase the amount of open space along the street and assist with the appropriate location of infrastructure to service the house and street trees.

Example C: Grouped driveways increase the amount of open space along the street and assist with the appropriate location of infrastructure to service the house and street trees.



(Ord. 2019-4355. Passed 2-18-20.)

1296.08 FINISH BUILDING MATERIALS.

(a) Wood board or shake, brick, stone, cultured stone, fibrous cement siding, stucco and vinyl siding are the permitted finish building materials. Asphalt dimensional shingles, natural or simulated slate, tile, standing seam metal, natural or simulated wood shingles or shakes are the permitted roof materials.

(b) When a change in materials occurs at corners, the change shall occur at the inside of the corner unless the masonry on the street-facing façade extends at least two feet past the outside corner. If a house has a side gable and a material change occurs on the outside corner, or if two different materials are used on the facades of main and upper floors, rather than extending the materials around the corner, a quoin or minimum 5¼-inch wide corner board shall be used along the vertical length of the non-masonry corner.
(Ord. 2019-4355. Passed 2-18-20.)

1296.09 FOUNDATIONS.

There shall be no more than twelve inches of exposed foundation walls. If more than twelve inches of exposed foundation wall is exposed, the foundation shall be finished with brick, veneer brick, stone or cultured stone designed by the manufacturer for at grade or below grade installation.
(Ord. 2019-4355. Passed 2-18-20.)

1296.10 FOUR-SIDED ARCHITECTURE.

Each side elevation shall contain at least two design elements per floor and each elevation facing a street or rear elevation shall contain at least three design elements per floor. Blank facades are prohibited for any detached garages. Typical design elements include, but are not limited to, the following:

(a) Eligible Design Elements.
- (1) A door of at least seventeen square feet in area.
- (2) A window of at least six square feet in area.
- (3) A chimney
- (4) An articulated gable vent of at least four-square feet in area.
- (5) Porches, decks, balconies or similar structures.
- (6) A similar significant permanent architectural feature consistent with the style of the house and purpose of this chapter upon approval of a Planned Development District ordinance.

(b) Ineligible Design Elements.
- (1) Side of porches.
- (2) Rooflines.
- (3) Water tables.
- (4) Garage Doors.

(Ord. 2019-4355. Passed 2-18-20.)

1296.11 GARAGES.

Garages may be attached or detached and shall be clearly secondary in character by means of a simplified design compatible with that of the primary structure. All single-family residential developments shall have a mix of front loaded and side loaded, with a minimum of twenty-five percent (25%) of all lots designed for detached or side loaded garages accessed via a driveway adjacent to the side property line. Garages attached via a breezeway shall be considered detached for purposes of this chapter. For corner lots, the garage shall be oriented towards the "lower" designated street classification as determined by the City Administrator or their designee. Garage doors shall be a maximum of nine feet in height. If there is living area above the garage, the maximum height of the roof over the garage shall be thirty-five (35) feet, otherwise the maximum height of the roof over the garage is eighteen (18) feet.

(a) Front Loaded Garages.

(1) Front loaded garage shall be located a minimum of four feet behind the front line of the livable area of the house. A covered or uncovered porch shall not be considered a livable area of a house.

(2) Garage doors shall not exceed forty-five percent (45%) of the width of the house frontage. Where more than a standards two-car front loaded garage is provided, the additional garage bay(s) shall be offset from and architecturally designed to appear separate and distinct from the two-car front loaded garage and the garage doors shall not exceed fifty percent (50%) of the width of the house frontage.

(b) Side Loaded Garages.

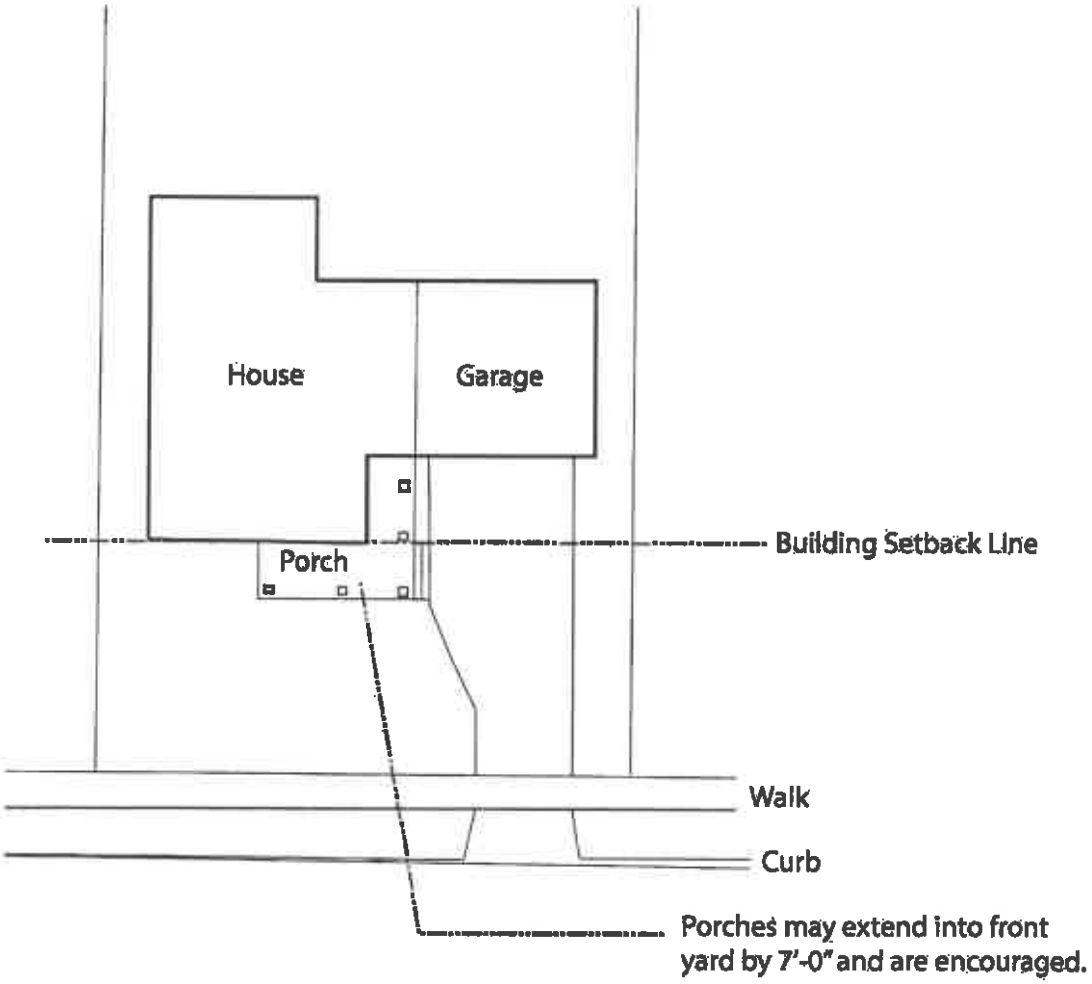
(1) Side loaded garages may be located from an inside court area.

(2) The garage elevation facing the street shall incorporate design features also found on the front elevation of the house including, but not limited to, windows. (Ord. 2019-4355. Passed 2-18-20.)

1296.12 PORCHES.

Front porches shall be required on every house and shall be a minimum of seven feet in depth and ten feet in width. Front porches may encroach into the established front building setback line by a maximum of seven feet.

Example D: Front porches may encroach into the established front building setback line by a maximum of seven feet.



(Ord. 2019-4355. Passed 2-18-20.)

1296.13 ROOF PITCH.

The main architectural roof of a house must have a minimum 6:12 roof pitch. Dormers, porches, and other similar secondary features may have a minimum 4:12 roof pitch. Eaves and overhangs shall have a minimum width of twelve inches on every elevation.
(Ord. 2019-4355. Passed 2-18-20.)

1296.14 WINDOW TRIM AND SHUTTERS.

(a) Trim is required with all windows on every elevation and shall include either a top and bottom finish of soldier course, rowlock, lintel or sill; or a minimum 3½-inch board around all sides of the window.

(b) Shutters shall be sized to fully cover the window and shall be louvered, raised or flat paneled or board and batten and made of painted wood, vinyl, painted synthetic, PVC or fibrous cement. (Ord. 2019-4355. Passed 2-18-20.)

1296.15 VINYL HOUSES.

All vinyl materials shall have a minimum of 0.046 inches and have a low gloss finish. All houses consisting of 50 percent or more of vinyl siding shall include complementary accessories and detailing where vinyl siding elevations occur, as follows:

(a) A detailed main entryway by use of a minimum eight-inch wide three-dimensional door surround system.
(b) Minimum six-inch wide frieze or facia boards
(c) Minimum eight-inch wide water table trim board at the foundation.
(d) At least two accessory types shall occur on each vinyl sided elevation, as follows.
    (1) Shutters as described pursuant to Section 1296.14
    (2) Mantels that shall occur above, at a minimum, all windows on vinyl-sided elevations.
    (3) Masonry water table and plinth shall occur along all elevations of a vinyl sided house. The height of this feature shall be at least two feet as measured from grade.
    (4) Gable vents shall be an articulated decorative gable vent(s) of at least four square feet in area and in at least the front or side of vinyl sided houses.
    (Ord. 2019-4355. Passed 2-18-20.)