
Committee of the Whole



Agenda

6:10 PM July 9, 2026

Jeanette Marcus, Chair

Council Members:

Dave Miller.....Vice Chair
Teri Murphy.....Mayor
Ora Allen.....At-Large
Branden Delph..... At-Large
Mike Daugherty.....Ward 1
Shirley Whitt.....Ward 3

Michael Davis, City Manager
Martina Dillon, Law Director

Moraine Municipal Building • 4200 Dryden Rd, Moraine, OH 45439

I. COW Meeting Call to Order

A. Roll Call

B. Approval of Minutes

1. Committee of the Whole Meeting Minutes - June 25, 2026

II. Topics of Discussion from the Following

A. Finance Director

B. City Manager

C. Mayor

D. Law Director

E. Clerk of Council

III. Business

(Anyone wishing to raise a question about any piece of legislation listed on this agenda will have three (3) minutes at this time. All other topics to be addressed to Council will be heard later in this meeting.)

A. 2026 Crack Sealing Program

B. City of Dayton 2027 Intergovernmental Agreement

C. 2026 Property and Liability insurance Renewal

D. Moraine Codified Ordinances - Quarterly Codification Supplement

IV. Persons Appearing Before Council

V. Staff and Council Reports

VI. Executive Session

VII. Adjournment

RECORD OF PROCEEDINGS

Minutes of Committee of the Whole

Held June 25, 2026

COW Meeting Call to Order

Meeting called to order at 6:42 PM.

Roll Call

Jeanette Marcus	Chair	Present
Dave Miller	Vice Chair	Present
Teri Murphy	Mayor	Present
Branden Delph	At-Large	Present
Ora Allen	At-Large	Present
Mike Daugherty	Ward 1	Present
Shirley Whitt	Ward 3	Present

Staff Attendance:

City Manager Michael Davis	Law Director Martina Dillon
Police Chief Craig Richardson	Fire Chief Traci Kuzminski
Finance Director Annetta Williams	Comm. Dev. Director Libby Schroeder
Build. Maint. Superintendent Rocky Bangert	City Engineer Lauren Alvarado
Parks and Recreation Director Brent Shane	Public Information Officer Aaron Vietor
Build. & Zoning Admin. Brent Carpenter	Clerk of Council Karen Powell

Approval of Minutes

Committee of the Whole Meeting Minutes - June 11, 2026

Ms. Marcus asked if there were any changes or corrections to the June 11, 2026, Committee of the Whole meeting minutes. Hearing none, the minutes were approved as submitted.

Topics of Discussion from the Following

Finance Director

No report.

City Manager

City Manager Michael Davis explained that Shearer's has been operating for several months. He said when the initiative began which was known as Project Crispy, a collaboration between Montgomery County, the Dayton Development Coalition, JobsOhio, and the City of Moraine, the project was going to produce close to 300 jobs. He reported Shearer's has shared that due to the outfit of the building and future potential coming from the small bag snack industry, they may be able to double that employment number over the next five years. Mr. Davis noted there are possible future expansion opportunities in the building as well.

Ms. Marcus asked if all of the GM plant is now occupied?

Mr. Davis replied yes, from an existing building standpoint, but there is still land when considering Delphi and GM that has potential for development.

Ms. Marcus asked if the pump house could be torn down?

Mr. Davis answered that the pump house would never be able to be used as a structure and it could be torn down. He confirmed for Ms. Marcus that there are no plans at this point.

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Mayor

No report.

Law Director

No report.

Clerk of Council

No report.

Business

Ms. Marcus moved item "F. Splash Pad - Kleingers" to the beginning of Business in an effort not to keep the speaker if the meeting ran long.

Mr. Shane reminded Council that he spoke with them at the Special Council meeting approximately a month earlier regarding the splash pad. He said after recommendations were made by Council, he went back to the Kleingers Group and discussed the possibility of Mr. Slagle appearing before Council. Mr. Shane introduced Mr. Slagle.

Mr. Slagle provided a PowerPoint presentation of changes made to the splash pad proposal. He said the Kleingers Group was contracted with the City to prepare designs for the Ora Everetts Park splash pad project. He said out of the 2025 Parks and Recreation Vision Plan, one of the first orders of business from that plan was a splash pad. He said there has been a lot of input from the community sessions with the Building Maintenance, Planning, Building and Zoning, and Parks and Recreation staff. He said from those meetings, the Kleingers Group has arrived at a preferred concept plan for the splash pad, and he has started the construction document process for the splash pad. Mr. Slagle reviewed with the Council the multiple designs and concepts from the Vision Plan to now. He reviewed a proposed drop-off area so no one has to cross the vehicular drive lane to get to the splash pad features. He discussed the restroom, shade shelters, and landscaping.

Mayor Murphy expressed her opposition to a drop-off area.

Mr. Shane stated that it is just the name for the turnaround. He stated people will drop children off at any spot regardless if it has a name.

Mr. Slagle said this could be called a circular drive or other names. He noted the main purpose is to find a way for vehicles entering the property to be able to turn around and exit out to the north. He said the current cul-de-sac is undersized.

Mr. Shane said signage will be placed stating that children must be supervised by an adult.

Mr. Slagle continued with his review of the splash pad amenities and operation. He reviewed a value engineered option with a total cost of \$3.3 million dollars which includes the parking lot.

Mr. Daugherty asked Mr. Slagle to comment on the cost savings from the reduction in size.

Mr. Slagle did not have a direct number, but stated there is a significant savings. He said he will follow up with that information.

Mr. Miller said one thing he notices when visiting other splash pads are the complaints that there is not enough shade.

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Mr. Slagle said there are varying degrees of shade within the design. He reviewed the building design and operation. Mr. Slagle provided the project schedule noting that the plan is to move forward depending on approval of this plan with construction drawings to be ready to bid the project out in early September. He said the goal is to have the splash pad open toward the end of the season next year.

Mr. Davis stated that this is about \$900,000.00 over the initial budget, and ultimately this would come back to Council for approval of a supplemental. He asked Mr. Slagle how confident he is in the \$3.3 million number and if the numbers are accurate.

Mr. Slagle said he cannot predict the future, and it is hard to predict construction costs. He said they are designers, not contractors, but they have an integral knowledge of what these things cost. He said the actual project is \$3.1 million with roughly \$450,000.00 contingency built into the number. He said he is confident, but you never know with the bidding climate.

Mr. Davis said he and Mr. Shane will come back to Council with a request to support the effort of the splash pad project moving forward. Mr. Davis asked if there was anything else discussed in the Council Work Session that has changed from Option 2 that Council needs to be aware of because ultimately, Council landed on Option 2 with a little bit of reduction.

Mr. Slagle said there is nothing to share overall on what has changed. He said they are still in the design process and this is not fully designed at this point. He explained there can always be alternates within the project. He said that is another avenue to save money.

Ms. Marcus asked if Council has decided on this option?

Mr. Davis said this option came out of the Council Work Session. He said Mr. Shane can come back to the Committee of the Whole and explain this more thoroughly, then ask for legislation after that. He said Council can probably anticipate the request at the next meeting. He said the Kleingers Group will get numbers together so they can show how much they reduced Option 2.

New Medic (Ambulance)

Fire Chief Traci Kuzminski stated she is requesting \$362,892.00 for a new ambulance. She noted the ambulance ordered in 2023 should arrive in August, and this ambulance should be ready in 14 months. She informed Council that this is a state bid and is a budgeted item.

Mr. Miller asked if there are any major differences between this ambulance and the one arriving in August?

Chief Kuzminski replied that the ambulances are from the same manufacturer in order to keep consistencies in the cost of maintenance and equipment in the ambulances.

Mrs. Whitt moved to approve the preparation of legislation approving the purchase of a new medic ambulance.

RESULT: *(Yes 7, No 0, Abstained 0)*
MOVER: Shirley Whitt
AYES: Jeanette Marcus, Mike Daugherty, Teri Murphy, Ora Allen, Dave Miller, Shirley Whitt, Branden Delph
NAYS: None
ABSTAIN: None

Cot and Load System Purchase

Fire Chief Kuzminski said this item was budgeted for 2028 because it was assumed that the

RECORD OF PROCEEDINGS

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medic would not be ready for three years like the one that is arriving this year which was ordered in 2023. She said there is enough money left over in the budgeted ambulance money that can pay for the cot and load system, and then that money will not be needed in 2028. Chief Kuzminski noted that Council has paperwork at their seat showing the cost has been reduced by \$500 for shipping and handling.

Mrs. Whitt asked if there is any chance of getting a grant for a portion of the purchase?

Chief Kuzminski replied no, not before the cot arrives.

Mayor Murphy moved to approve the preparation of legislation authorizing the purchase of a cot and load system for the new medic.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Shirley Whitt
AYES: Jeanette Marcus, Mike Daugherty, Teri Murphy, Ora Allen, Dave Miller, Shirley Whitt, Branden Delph
NAYS: None
ABSTAIN: None

2026 Ohio Public Works Commission (OPWC) Application for FY 2028

City Engineer Lauren Alvarado said this item is for authorization for the OPWC who is now accepting applications for funding projects in our fiscal year 2028. She noted that funds would be used for piecemeal repair of the City's large concrete road, Dorothy Lane. She stated that authorizing legislation is needed, and a sample is included in the packet. Mrs. Alvarado informed Council that the grant amount would be close to \$200,000.00.

Mr. Daugherty moved to approve the preparation of legislation for the 2026 OPWC application for Fiscal Year 2028.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Mike Daugherty
AYES: Jeanette Marcus, Mike Daugherty, Teri Murphy, Ora Allen, Dave Miller, Shirley Whitt, Branden Delph
NAYS: None
ABSTAIN: None

CIT Co-Responder Increase

Police Chief Craig Richardson reminded Council that in early 2025, several of the TCSU cities went together and contracted with South Community to hire two critical incident CIT co-responders to help the Police and Fire Departments with mental health and overdose calls. He said the co-responders provide a great service to the departments. He noted that resolutions were passed for a three-year contract with South Community who found two excellent candidates, and the City shares them with some of the other cities. Chief Richardson reported that the program is working perfectly exactly like it was intended. He said the chiefs meet periodically to discuss the program, and in talking to some of the colleagues we realized that the CIT co-responders are being poached. He said the chiefs spoke briefly with the city managers that were involved and came up with a plan with South Community to get the co-responders a slight pay increase to keep them on our payroll instead of other cities or counties. He explained that South Community has come up with a way that the co-responders can get some raises and bonuses based on certifications or time spent with the agencies. He estimated that this could cost the City of Moraine an extra 10 percent on a three-year contract. Chief Richardson said the City is using the opioid settlement funds for this, and he asked for approval. He said the Finance

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Director had the foresight to include some extra funds from the opioid settlement fund for any other potential programs that might come up this year. He said two resolutions were passed in 2025, one for the contract and one to use the opioid settlement funds.

Mr. Davis asked for guidance from the Law Director.

Ms. Dillon said she could draft legislation to mirror the two resolutions with the additional ten percent.

Chief Richardson said he thinks 10 percent is a safe number; and he feels if the City planned for \$50,000.00 for the three-year period, that would cover through to June or July of 2028.

Mr. Daugherty moved to approve the preparation of legislation to allow the City Manager to enter into the agreement with TCSU.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Mike Daugherty
AYES: Jeanette Marcus, Mike Daugherty, Teri Murphy, Ora Allen, Dave Miller, Shirley Whitt, Branden Delph
NAYS: None
ABSTAIN: None

Mayor Murphy moved to approve the preparation of legislation authorizing the use of the opioid settlement funds for the additional amount of \$50,000.00.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Teri Murphy
AYES: Jeanette Marcus, Mike Daugherty, Teri Murphy, Ora Allen, Dave Miller, Shirley Whitt, Branden Delph
NAYS: None
ABSTAIN: None

E-Citation Mayor's Court Local Rule

Chief Richardson noted that the Police Division has the ability to join in the state program for the electronic traffic citation program. He said that program provides free software and printers for the cruisers so citations can be printed electronically and forwarded to the proper courts. He stated that Kettering Court and the Montgomery County Juvenile Court are already set up for the program. He said one of the stipulations is that the cities' local courts have to have a rule in place that they will accept the electronic citation and accept the electronic signatures of the officer and violator. He said the Mayor's Court does not have that rule. He remarked that according to the Law Director, the cleanest way to do this is through an ordinance. Chief Richardson said the printers will be dropped off on Monday to start the trial. He said if the Police Division does not like them, they do not have to keep them forever. He confirmed for Ms. Marcus that there is no cost to the City for this program.

Ms. Dillon said an Ordinance is needed to add this to the Moraine Codified Ordinances. She stated this legislation would need two readings.

Mrs. Whitt moved to approve the preparation of legislation to add E-Citation to the Mayor's Court local rules in the MCO.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Shirley Whitt
AYES: Jeanette Marcus, Mike Daugherty, Teri Murphy, Ora Allen, Dave Miller, Shirley Whitt,

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Branden Delph
NAYS: None
ABSTAIN: None

Splash Pad - Kleingers

See above under "Business".

Persons Appearing Before Council - None

Staff and Council Reports

Mr. Delph wished everyone a safe and happy 4th of July.

Mrs. Whitt said she was thankful to be in this time period and not in Betsy Ross's time period because the clothes are uncomfortable.

Mrs. Ora Allen said she has been trying to get in touch with a Council member at the City of Huber Heights, and evidently the city has gone to AI response, and it sucks. She said she has tried every day to reach the Council member, and she has talked with the Clerk of Council who gave her a number to call that does not work. She hopes if the City of Moraine considers doing that, they will give it some careful consideration.

Executive Session - None

Adjournment

Meeting adjourned at 7:33 PM.

2026 Crack Sealing Program

Department: Community Development

Request: Action Item

Item Background and Purpose:

Bids for the subject project were received on Tuesday, June 30, 2026 at 4:00 PM. The following bids were received:

COMPANY	BID TOTAL
Scodeller Construction, Inc.	\$132,300.00
Henry W. Bergman, Inc.	\$165,700.00
ENGINEERS ESTIMATE	\$146,000.00

This project consists of road maintenance in the form of crack sealing on roads throughout the City of Moraine.

The apparent low bidder with a bid price of \$132,300.00, Schodeller has done satisfactory work in Moraine and neighboring jurisdictions in the past.

Including a 10% contingency amount of \$13,230.00 that the City Manager can use to authorize potential change orders, the total amount approved would be \$145,530.00. This is below the existing budget of \$160,000.00.

I recommend awarding the 2026 Crack Sealing Program to Scodeller Construction, Inc. with the accepted bid amount of \$132,300.00 and contingency of \$13,230.00, approving a total of \$145,530.00.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source:

Capital Improvement Fund,
Engineer, Annual Pavement
Sealing & Striping (301-1305-
50002)

Attachments:

1. 2026-BID-006 Bid Results Memo to CM



CITY OF MORaine DEPARTMENTAL CORRESPONDENCE

DATE: June 30, 2026

TO: Michael Davis, City Manager

FROM: Lauren Alvarado, City Engineer

SUBJECT: 2026 Crack Sealing Program

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I recommend awarding the 2026 Crack Sealing Program to Scodeller Construction, Inc. with the accepted bid amount of \$132,300.00 and contingency of \$13,230.00, approving a total of \$145,530.00.

City of Dayton 2027 Intergovernmental Agreement

Department: Administration

Request: Action Item

Item Background and Purpose:

Requesting approval to enter into an Intergovernmental Agreement with the City of Dayton for residential waste collection services for 2027.

Financial Impact:

Is Item Budgeted?: No

Funding Source: Operating budget for 2027

Attachments:

1. Dayton Waste Collection agreement

Department of Public Works
Division of Waste Collection
1010 Ottawa Street
Dayton, Ohio 45402



September 15, 2023

Mr. Michael Davis
City Manager
4200 Dryden Road
Moraine, Ohio 45439

Dear Mr. Davis:

The City of Dayton, Ohio is pleased to submit this proposal to the City of Moraine, Ohio for waste, recycling, and bulk collection disposal services. The City of Dayton has been dedicated to the waste removal services since Dayton was incorporated. The City of Dayton welcomes the opportunity to offer these services once again to the City of Moraine, Ohio. We are proposing another three-year intergovernmental agreement with two additional one-year renewal options.

The number of City of Moraine households that currently use waste, recycling and bulk services is approximately 2,142. We would be pleased to provide these services once again to the City of Moraine, Ohio for 2024 – 2028. We believe that we have a proven track record of customer service centered waste, recycling, and bulk collection disposal services.

We strongly believe our proposal below will meet or exceed your expectations. Thank you for your consideration and we are looking forward to hearing from you.

Proposal for Moraine 2024-2028 for Trash, Recycling and Bulk Services

	2024	2025	2026	2027	2028
Households	2,142	2,142	2,142	2,142	2,142
Annual Charge Per House	184.55	190.08	195.79	201.66	207.71
Monthly Charge Per House	15.38	15.84	16.32	16.80	17.31

Sincerely,

John Parker

John Parker
Waste Collection Manager
City of Dayton, Ohio
937-333-4948

C: Fred Stovall
Tom Ritchie Jr.

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is entered into this 11th day of December 2023, by and between the City of Dayton, Ohio ("Dayton") and the City of Moraine, Ohio ("Moraine").

WITNESS

WHEREAS, Moraine desires to receive weekly garbage and recyclable collection for approximately 2,142 residential units within the City of Moraine; and,

WHEREAS, Dayton is willing to provide waste collection services to Moraine pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and in accordance with Section 715.02 of the Ohio Revised Code, Dayton, and Moraine (collectively, the "Parties") agree as follows:

ARTICLE I. DEFINITIONS

A. "Bulky Waste" means appliances, furniture, mattresses, box springs, toys, carpet, and draperies and like materials normally found in a residential unit. Bulky Waste does not include demolition matter, infectious waste, or hazardous waste.

B. "Container" means the receptacle in which waste is placed for collection. All garbage, residential waste, rubbish, vegetative matter, and yard waste for collection shall be placed in a Container. Residential units subject to this Agreement shall provide their owner container(s)..

C. "Garbage" means all waste matter, solid, liquid or mixed, which attends, exists, is created or accumulates within Moraine from the preparation, cleaning, cooking, use, storage or sale of or dealing in meats, fish, fowl, fruits, vegetables, cereals, grain or other animal, vegetable or mineral matter designed or intended as foodstuff for human consumption, but does not include Infectious Waste or Hazardous Waste.

D. "Hazardous Waste" means the same as defined in Section 3734.01 of the Ohio Revised Code.

E. "Infectious Waste" means the same as defined in Section 3734.01 of the Ohio Revised Code.

F. "Recyclables" means glass, plastic, tin, paper, or other material determined by Dayton.

G. "Residential Customer" means each occupied single and duplex residential unit.

H. "Yard Waste" means trimmings from bushes, shrubs, and trees not exceeding two (2) inches in diameter or four (4) feet in length, and which are securely packaged or bundled together, and which does not include vegetative matter.

I. "Vegetative Matter" means fallen leaves, grass cuttings, garden waste, mulch, and similar vegetative matter.

ARTICLE II. TERM

This Agreement shall be effective from January 1, 2024 and terminate December 31, 2026, unless terminated earlier pursuant to this Agreement. Any extension shall be by amendment to this Agreement pursuant to Article XIV herein. At the sole option of Moraine, this Agreement may be renewed for two (2) additional one-year periods with the approval of the City Council of Moraine. However, no such renewal of this Agreement shall be recognized or effective unless it is reduced to a writing, which makes specific reference to this Agreement, and executed by a duly authorized representative of City.

ARTICLE III. COLLECTION SERVICES

Dayton shall provide weekly garbage and recyclable collection for approximately 2,142 residential units within the City of Moraine which includes individuals receiving curbside service. Dayton shall provide each residential unit with one (1) blue ninety-six (96) gallon or thirty-two (32) gallon recycle container upon request.

Collection services shall be performed between the hours of 6:30 a.m. and 5:00 p.m. every Friday except for holidays. When a holiday falls on a regular trash day, Dayton will reschedule trash collection to Saturday. Dayton will notify Moraine in a timely manner if collection services will be delayed due to inclement weather or other issues. Vegetative matter shall be bagged or placed in Container and set out at the curb for collection. Yard waste shall be bundled and set out at the curb for collection. Dayton will not pick up Infectious Waste, Hazardous Waste, auto parts, auto fluids, items generated from sources outside Moraine, and items containing ozone depleting substances.

Dayton shall provide for a bi-weekly Bulky Waste curbside pickup, upon request. Dayton may require disassembly of large items, including, but not limited to, swing sets and metal sheds. Dayton will also provide trash and recycle containers for ten (10) Moraine community events, which may include, but are not limited to the following:

Easter Egg Hunt at Everetts Park;
July 5K Run/Walk;
Slash Moraine at Payne Recreation Center;
Tree Lighting at Municipal Building;

Global Youth Service Day;
Independence Day Celebration;
Community Halloween Party at Wax Park;
Pancakes with Prancer

Special carryout service shall be provided for elderly or handicapped residents with documentation from a physician. These special carryout services may include going up to a resident's front porch to get the trash. Special carryout services will vary depending on the resident's situation.

The City of Moraine facilities provided with weekly collection services are listed in Exhibit A is attached and incorporated hereto.

ARTICLE IV. PAYMENT

During the initial term and any renewal term, Dayton and Moraine agree that Moraine shall pay Dayton monthly the total monthly amount due. The unit rates shall be multiplied by the number of customers actually having refuse collection service by Dayton during the month in calculating amount that Moraine shall pay to Dayton. For year one of the Agreement, Moraine shall pay a rate of Fifteen Dollars and Thirty -Eight Cents (\$15.38) per resident for the Services described in Article 3 hereof. For year two of the Agreement, Moraine shall pay a rate of Fifteen Dollars and Eighty-Four Cents (\$15.84). For year three, Moraine shall pay the rate of Sixteen Dollars and Thirty-Two Cents (\$16.32). For year four, if the Agreement has been picked up for a year four option, Moraine shall pay the rate of Sixteen Dollars and Eighty Cents (\$16.80). If the Agreement has been picked up for a year five option, the rate shall be Seventeen Dollars and Thirty-One Cents (\$17.31).

Dayton shall invoice Moraine for payment of the actual Services rendered in accordance with this Agreement. All invoices shall state the invoice period, total amount requested and Services provided during the invoice period. Moraine will, unless disputed, remit payment of all undisputed amounts of invoices within thirty (30) days from receipt thereof.

ARTICLE V. TERMINATION FOR CAUSE

Moraine may terminate this Agreement upon written notice of default to Dayton in the event of Dayton's substantial failure to perform its duties and responsibilities as set forth herein. Dayton shall have thirty (30) calendar days from the date of the notice of default in which to cure any breach or to submit a plan to cure acceptable to Moraine.

Dayton may terminate this Agreement in the event of substantial failure by Moraine upon written notice of default to Moraine of substantial failure to perform its duties and responsibilities as set forth herein. Moraine shall have thirty (30) calendar days from the date of notice of default in which to cure any breach or to submit a plan to cure acceptable to Dayton.

ARTICLE VI. ADDITIONAL UNITS

The Parties agree that this Agreement may be amended pursuant to Article XIV to include additional residential units.

ARTICLE VII. DELAYS

Dayton shall not be considered in default of this Agreement for delays in performance caused by circumstances beyond its reasonable control. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; flood; earthquake;

fire; epidemic; war, riot, or other civil disturbance; strike, lockout, work slowdown, or other labor disturbance; sabotage; judicial restraint; and inability to procure any permit, license, or authorization from any local, state, or federal agency for any required supplies, materials, accesses, or services.

In the event any of the circumstances in the preceding paragraph occur, Dayton shall, within a reasonable time of being prevented from performing, give written notice to Moraine describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE VIII. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts or choice of laws.

ARTICLE IX. COMMUNICATIONS

Any written communication or notice required or permitted by this Agreement shall be made in writing, to the appropriate address below:

Dayton: City of Dayton, Department of Public Works
1736 E. Monument Avenue
Dayton, Ohio 45402
Attention: Mr. Fred Stovall
Director, Department of Public Works

Moraine: City of Moraine, Ohio
4200 Dryden Road
Moraine, OH 45439
Attention: Mr. Michael Davis, City Manager

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of the Parties.

ARTICLE X. WAIVER

A waiver by any of the Parties of any breach of this Agreement shall be in writing. Such a waiver shall be effective only in the specific instance and for the specific purpose for which it is given and shall not affect the waiving Party's rights with respect to any other or further breach.

ARTICLE XI. SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void, unenforceable, invalid or illegal provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not

contain the particular portion or provision. The Parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision, which is of the essence of this Agreement, be determined void.

ARTICLE XII. ASSIGNMENT

None of the Parties shall assign any rights or duties under this Agreement without the prior written consent of the other Parties. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent Dayton from employing independent contractors to assist in the performance of its duties and responsibilities hereunder.

ARTICLE XIII. THIRD PARTY RIGHTS

Except as expressly provided in this Agreement, nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Parties.

ARTICLE XIV. AMENDMENT

The Parties may mutually agree to amend this Agreement. However, no such amendment shall be effective unless it is reduced to a writing which references this Agreement and which is executed by a duly authorized representative of each of the Parties and, if applicable or required, approved by the legislative authority of any of the Parties.

ARTICLE XV. INTEGRATION

This Agreement represents the entire and integrated agreement of the Parties. This Agreement supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE XVI. POLITICAL CONTRIBUTIONS

Moraine affirms and certifies that it complies with Ohio Revised Code 3517.13 limiting political contributions.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and date first set forth above.

CITY OF MORAINE

By: [Signature]

Date: 10-18-23

**APPROVED AS TO FORM
AND CORRECTNESS**

Digitally signed by Musto,
John
Date: 2023.10.04 11:06:32
-04'00'

Musto, John

City Attorney

CITY OF DAYTON

By: C. Lashua Johnson

Date: December 11, 2023

**APPROVED BY THE COMMISSION
OF THE CITY OF DAYTON, OHIO**

November 22, 2023

Min./Bk. I-18 Pg. _____

Ragina D Blackshear

Clerk of Commission

MORAINE CHIEF FINANCIAL OFFICER'S CERTIFICATION

I, Don Buczek, Finance Director of the City of Moraine, Ohio, hereby certify that the amount required to meet this obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

Don Buczek

Don Buczek

Finance Director

Exhibit A

City of Moraine facilities provided with weekly collection services with no additional fee:

Moraine Municipal Building
4200 Dryden Road
Moraine, Ohio 45439

Gerhardt Civic Center
3050 Kreitzer Road
Moraine, Ohio 45439

Wax Park
3800 Main Street\
Moraine, Ohio 45439

Fire Station 28
2738 Viking Lane
Moraine, Ohio 45439

Fire Station 29
4747 South Dixie Drive
Moraine, Ohio 45439

Fire Station 30
3333 Pinnacle Park Drive
Moraine, Ohio 45439

Street Division
4720 Vance Road
Moraine, Ohio 45439

All locations listed in Exhibit A will be provided a three (3) yard dumpster and ninety-six (96) gallon recycling container.

2026 Property and Liability insurance Renewal

Department: Finance

Request: Action Item

Item Background and Purpose:

The City's Property and Liability Insurance through the Public Entities Pool (PEP) of Ohio expires on July 31, 2026. We have received the renewal proposal effective August 1st. This pool is made up of over 500 municipalities and public agencies from across the State of Ohio, and they provide a wide variety of coverage. The City of Moraine has been a member of PEP for many years. An advantage of being in a public entity insurance pool is to be rated with organizations that have similar risk exposure in providing municipal services.

The renewal quote is for \$282,593.00, an increase of \$19,568.00(7 %) over 2025-2026 premium year reflective of market conditions and additional exposures related to additional staffing, the purchase of vehicles to replace an aging fleet and building improvements/renovations. We are requesting legal legislation to be created to continue the City's relationship with PEP and accept the proposal at the next City Council meeting.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: General Fund

Attachments:

1. 2026-07-02 Property Liability Insurance Renewal Memo

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

Date: July 2, 2026

Subject: 2026 Property & Liability Insurance Renewal

The City currently carries Property and Liability Insurance through the Public Entities Pool (PEP) of Ohio. This pool is made up of over 500 municipalities and public agencies from across the State of Ohio. The City of Moraine has been a member of PEP for many years. An advantage of being in a public entity insurance pool is to be rated with organizations that have similar risk exposure in providing municipal services. Insuring municipal services on the open market is very expensive.

Our current policy expires on July 31, and I have enclosed the annual renewal proposal for your review. USI Insurance Services, the broker for PEP, has produced the proposal for our renewal effective August 1. Please note the renewal document contains lines of coverage that are not applicable to our City such as wastewater treatment plants and golf courses. These coverages are offered to all members and are meant to cover all possible needs of the members.

Proposal Highlights:

- **Cost:** The renewal has been priced at \$282,593. It reflects a 7.4% increase over the 2025-2026 premium (including endorsements throughout the year) of \$263,025 because of additional exposures, increased rates and loss ratios.
 - **General Liability:** Decrease of \$4,454 (-10.0%) due to a reduction in expenditures.
 - **Auto Liability:** Increase of \$335 (+1.7%) normal rate increase; fleet decreased from 95 to 88.
 - **Law Enforcement Liability:** Increase of \$3,684 (+25.1%) from an increase of 1 full-time officer.
 - **Auto Physical Damage:** Increase of \$7,607 (+11.1%) from increase in insured values; newer fleet, including new street sweeper plus slight rate increase.

- **Property/Equipment Breakdown:** Increase of \$8,567 (+10.4%) from 4% inflation on property values; increased building and property values, and market conditions.
- **Safety Equipment Grant:** PEP offers grants up to \$1,000 for members to buy safety equipment.
- **Coverages – Trending Issues:** PEP provides for a wide variety of coverages and is constantly forward-looking in trying to provide coverage in today's world.
 - Excellent coverage for automobile physical damages.
 - Crime coverage for theft from the City.
 - Flood coverage for damage to City property.
 - Cybersecurity coverage.
- **Cyber Security:** PEP includes strong cyber security coverage for data breaches and ransomware attacks.
 - **Cyber Breach:** If the City's network was attacked, the plan would pay up to \$1,000,000 per occurrence. The deductible is \$10,000.
 - **Cyber Liability:** If the City's information was lost or held hostage, the plan would pay up to \$1,000,000 per occurrence. The deductible is \$10,000.
 - There is concern that cyber security coverage may become unavailable or be very expensive in the future.
- **Excess Liability:** Increase of \$2,961 (+10.2%) The PEP program is treated as silos for the various categories of coverage. Our base policy covers claims up to \$5 million in each category. If we reach the maximum of \$5 million in claims in one category, we have \$5 million in coverage in each of the other categories.

Recommendation:

I recommend approval of the proposal to continue our relationship with PEP and for the quality service they provide in protecting the City. I am requesting legislation to accept the proposal at the next City Council meeting.



PEP Invoice Summary

For City of Moraine, Montgomery County

Effective Date: 08/01/2026

Invoice Number: R0508PC2026-1

Coverage	Invoiced
General Liability	\$40,134
Auto Liability	\$19,512
Law Enforcement Liability	\$18,354
Public Officials Liability	\$5,487
Excess Liability	\$32,013
Auto Physical Damage	\$76,129
Property/Boiler & Equipment	\$90,964
Total	\$282,593

Please make check payable to Public Entities Pool and mail to the following address:

Public Entities Pool
10100 Innovation Drive
Suite 220
Dayton, OH 45342



Legal Defense and Claim Payment Agreement – Schedule of Coverages

City of Moraine, Montgomery County

<u>Coverage</u>	<u>Effective Date</u>	<u>Expiration Date</u>	<u>Retroactive Date</u>	<u>Limit</u>	<u>Deductible</u>
Legal Liability for Automobile Claims	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Covered Pollution Cost or Expense for Automobiles	8/1/2026	8/1/2027	8/1/1995	\$5,000,000	\$0
Uninsured and Underinsured Motorist Per Person	8/1/2026	8/1/2027	8/1/2026	\$1,000,000	\$0
Uninsured and Underinsured Motorist Per Occurrence	8/1/2026	8/1/2027	8/1/2026	\$1,000,000	\$0
Medical Expenses - Automobile	8/1/2026	8/1/2027	8/1/2026	\$5,000	\$0
Legal Liability for General Liability Claims	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Active Assailant	8/1/2026	8/1/2027	8/1/2026	See LDCP 0500 (01 19)	\$0
Appeal Bonds	8/1/2026	8/1/2027	8/1/2026	Unlimited	\$0
Bail Bonds	8/1/2026	8/1/2027	8/1/2026	Unlimited	\$0
Bonds to Release Property	8/1/2026	8/1/2027	8/1/2026	Unlimited	\$0
Broad Legal Defense Fund	8/1/2026	8/1/2027	8/1/2026	\$5,000 / \$5,000	\$0
Claim and Defense Expenses	8/1/2026	8/1/2027	8/1/2026	Unlimited	\$0
Fire Department Pollution Coverage	8/1/2026	8/1/2027	8/1/2026	\$500,000	\$0
Fire Department Training Activities	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Fire Departments	8/1/2026	8/1/2027	8/1/2026	\$500,000	\$0
Fungi or Bacteria Clean Up	8/1/2026	8/1/2027	8/1/2026	\$25,000	\$0
Fungi or Bacteria Clean Up Aggregate	8/1/2026	8/1/2027	8/1/2026	\$50,000	\$0
Fungi or Bacteria Injury	8/1/2026	8/1/2027	8/1/2026	\$25,000	\$0
Fungi or Bacteria Injury Aggregate	8/1/2026	8/1/2027	8/1/2026	\$50,000	\$0
Good Samaritan	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Medical Expenses - Other than Automobile	8/1/2026	8/1/2027	8/1/2026	\$5,000	\$0
Medical Malpractice	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Member Expenses	8/1/2026	8/1/2027	8/1/2026	\$10,000	\$0
Moral Obligation to Pay	8/1/2026	8/1/2027	8/1/2026	\$2,500	\$0
Non-Monetary Relief Defense Expense	8/1/2026	8/1/2027	8/1/2026	\$50,000	\$0
Post-Judgment Interest	8/1/2026	8/1/2027	8/1/2026	Unlimited	\$0
Pre-Judgment Interest	8/1/2026	8/1/2027	8/1/2026	Unlimited	\$0
Stop Gap	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Wastewater Treatment Plants- Clean Up Expense	8/1/2026	8/1/2027	8/1/2026	\$25,000 occ / \$25,000 agg	\$0

CYBER BREACH AND LIABILITY AGREEMENT – SUPPLEMENTAL DECLARATIONS

Any reference to the Declarations within this Cyber Breach and Liability Agreement includes the Cyber Breach and Liability Declarations and these Cyber Breach and Liability Agreement Supplemental Declarations.

	Limit Per Coverage Agreement	Annual Aggregate Limit	Member Deductible Per Claim
THIRD PARTY LIABILITY COVERAGE AGREEMENTS			
Multimedia Liability Coverage	\$1,000,000	\$1,000,000	\$10,000
Security and Privacy Liability Coverage	\$1,000,000	\$1,000,000	\$10,000
Privacy Regulatory Defense and Penalties Coverage	\$1,000,000	\$1,000,000	\$10,000
PCI DSS Liability Coverage	\$1,000,000	\$1,000,000	\$10,000
Bodily Injury Liability Coverage	\$200,000	\$200,000	\$10,000
Property Damage Liability Coverage	\$200,000	\$200,000	\$10,000
TCPA Defense Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
FIRST PARTY COVERAGE AGREEMENTS			
Breach Event Costs Coverage	\$1,000,000	\$1,000,000	\$10,000
Post Breach Remediation Costs Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
BrandGuard® Coverage	\$1,000,000	\$1,000,000	\$10,000
System Failure Coverage	\$1,000,000	\$1,000,000	\$10,000
Dependent System Failure Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
Cyber Extortion Coverage	\$1,000,000	\$1,000,000	\$10,000
Cyber Crime Coverage	\$200,000	\$200,000	\$10,000
Bricking Loss Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
Property Damage Loss Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
Reward Expenses Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>
Court Attendance Costs Coverage	<i>No coverage</i>	<i>No coverage</i>	<i>Not applicable</i>

Systemic Event Aggregate Limit of Coverage: \$2,000,000 per occurrence

Pool Maximum Aggregate Limit of Liability: \$5,000,000

Retroactive Date – Full Prior Acts
Knowledge Date – January 1, 2025

Brand Guard Coverage
Waiting Period: 2 weeks
Period of Indemnity: 180 days
Period of Restoration: N/A

System Failure Coverage:
Waiting Period: 8 hours
Period of Indemnity: N/A
Period of Restoration: 120 days



Legal Defense and Claim Payment Agreement – Schedule of Coverages

City of Moraine, Montgomery County

Wastewater Treatment Plants- Third Party Liability	8/1/2026	8/1/2027	8/1/2026	\$50,000 agg / \$50,000 occ	\$0
Pollution Liability Coverage - Pesticides	8/1/2026	8/1/2027	8/1/2026	\$250,000	0
Public Officials Wrongful Acts	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$2,500
Employment Expense	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Employee Benefit Liability	8/1/2026	8/1/2027	8/1/2026	\$1,000,000	\$1,000
Employment Practices Wrongful Acts	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$2,500
Legal Liability for Law Enforcement Claims	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$2,500

<u>Coverage</u>	<u>Effective Date</u>	<u>Expiration Date</u>	<u>Retroactive Date</u>	<u>Limit</u>	<u>Deductible</u>
Anti-skid Material Storage and Application	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Chlorine	8/1/2026	8/1/2027	8/1/2026	\$5,000,000	\$0
Sewer Back-up	8/1/2026	8/1/2027	8/1/2026	\$1,000,000 / \$1,000,000	\$0
Underground Gasoline, Diesel and Fuel Oil Storage Tanks Aggregate	8/1/2026	8/1/2027	8/1/2026	\$55,000	\$0
Underground Gasoline, Diesel and Fuel Oil Storage Tanks Each Occurrence	8/1/2026	8/1/2027	8/1/2026	\$55,000	\$0



GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio City of Moraine, Montgomery County

Effective Date: 08/01/2026

Expiration Date: 08/01/2027

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
SECTION III – PROPERTY DAMAGE		
Buildings*	\$46,118,300	\$1,000
Personal Property*	\$2,777,403	\$1,000
Accounts Receivable	\$250,000	
Animals	\$25,000	
Appearance Allowance	\$25,000	
Arson or Theft Reward	\$10,000	
Athletic Surfaces	\$50,000	
Building or Addition Under Construction	\$1,000,000	\$1,000
Building or Addition Under Construction - Frame Construction Type	Excluded	
Debris Removal	\$250,000	
Decontamination Costs	\$25,000	
Electronic Vandalism	\$250,000	
Equipment Rental Reimbursement	\$250,000	
Errors or Omissions	\$500,000	
Expediting Expenses	\$250,000	
Fine Arts - Unscheduled	\$25,000	
Fire Department Service Charge	Actual Cost	
Fire Extinguishing Systems	Actual Cost	
Fire Hydrants (Unscheduled)	\$10,000	
Golf Course Sand Traps, Tee and Greens	10,000/250,000	
Green Coverage	\$100,000	
Guide Rails	\$10,000	
Land and Water Cleanup Expense	\$10,000	
Locks and Keys	\$25,000	

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2026

Expiration Date: 08/01/2027

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
Money and Securities	\$25,000	
New Generation	\$10,000	
Newly Constructed or Acquired Property	\$2,000,000	\$1,000
Off-Premises Service Interruption Property Damage	\$25,000	
Off-Premises Storage - Property Under Construction	\$10,000	
Ordinance or Law	\$500,000	
Outdoor Signs	\$10,000	
Outdoor Trees and Shrubs	10,000/250,000	
Parking Meters and Charging Stations	\$5,000	
Personal Prop Not at a Covered Location	\$50,000	
Personal Property of Others	\$250,000	\$1,000
Pollution Cleanup Expense	\$100,000	
Professional Fees	\$5,000	
Property Removed from a Covered Location	\$250,000	
Protection and Preservation of Property	\$250,000	
Terrorism	See GPA 0780	\$0
Transit Coverage	\$100,000	
Underground Fiber Optic Cable	\$10,000	
Unscheduled Misc Property	\$10,000	
Unscheduled Playground Equipment	\$25,000	
Unscheduled Property in the Open	\$100,000	\$1,000
Valuable Papers and Records	\$250,000	
Water and Sewer Backup	\$100,000	

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2026

Expiration Date: 08/01/2027

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
SECTION IV - TIME ELEMENT		
Civil Authority	Maximum 30 days	
Civil Authority	\$25,000	
Computer Systems and Non-physical Damage	\$10,000	
Contingent Tax Revenue Interruption	\$25,000	
Contingent Time Element	\$10,000	
Earnings During Protection/Preservation	\$25,000	
Expenses to Reduce Loss	\$25,000	
Extended Earnings, Extra Expense and Cost	\$50,000	
Extended Gross Earnings, Extra Expense and Cost	Maximum 180 days	
Extended Period of Coverage	\$25,000	
Extra Expense and Cost	\$250,000	
Gross Earnings	\$250,000	
Leasehold Interest	\$10,000	
Rental Coverage	\$10,000	
Soft Costs	\$5,000	
Storm Debris Removal	\$5,000	

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2026

Expiration Date: 08/01/2027

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
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SECTION V - EQUIPMENT BREAKDOWN

Total Limit per one Breakdown*	\$48,895,703	See GPA 0644
Power Generating Equipment	Excluded	
Civil Authority	\$25,000	
Data or Media	\$250,000	
Defense	Unlimited	
Dependent Properties	\$25,000	
Earnings	\$100,000	
Electrical Surge and Electrical Disturbance	\$100,000	
Error in Description	\$500,000	
Expediting Expenses	\$250,000	
Extended Earnings and Extra Expense	\$100,000	
Extra Expense	\$100,000	
Green Alternatives	\$100,000	
Hazardous Substance	\$100,000	
New Generation	\$10,000	
Newly Acquired Locations	\$2,000,000	
Off Premises Equipment	\$50,000	
Ordinance or Law	\$500,000	
Refrigerant Contamination	\$100,000	
Service Interruption	\$100,000	
Spoilage	Included with Refrigerant Contamination	
Water Damage	\$100,000	

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2026

Expiration Date: 08/01/2027

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
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SECTION VI – CRIME

Crime	\$25,000	\$500
Faithful Performance of Duty	\$100,000	\$1,000
Computer Fraud and Funds Transfer	\$10,000	
Employee Theft - Per Employee	\$25,000	
Employee Theft - Per Loss	\$25,000	
Forgery or Alteration	\$10,000	
Inside Premises - Robbery or Safe Burglary	\$10,000	
Money Orders and Counterfeit Money	\$10,000	
Outside Premises	\$10,000	
Theft, Disappearance, Destruction of Money	\$10,000	

SECTION VII - AUTOMOBILE PHYSICAL DAMAGE

Airbags	\$5,000	\$0
Commandeered Property	\$250,000	\$0
Emergency Response Automobile	\$25,000	\$0
Freezing of Equipment Coverage	\$25,000	\$0
Hired Automobile Physical Damage	\$50,000	\$0
Lease Gap	\$25,000	\$0
Not At Fault Collision Deductible Waiver	\$2,500	\$0
Personal Automobile (Deductible)	Actual Cost	\$0
Property in an Unattended Auto	\$1,000	\$0
Recertification	Actual Cost	\$0
Rental Automobile Agreement	\$10,000	\$0
Rental Reimbursement Aggregate	\$100,000	\$0
Rental Reimbursement Per Day	\$1,000	\$0
Roadside Assistance	\$5,000	\$0
Temporary Substitute Automobile	\$2,500	\$0
Terrorism	See GPA 0780	\$0

GOVERNMENT PROPERTY AGREEMENT – SCHEDULE OF BENEFITS

Public Entities Pool of Ohio

City of Moraine, Montgomery County

Effective Date: 08/01/2026

Expiration Date: 08/01/2027

SUBJECT TO THE TERMS AND CONDITIONS OF THE
GOVERNMENTAL PROPERTY AGREEMENT

SECTION	COVERAGE LIMIT	DEDUCTIBLE
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SECTION IX – FLOOD

Flood	\$1,000,000	\$25,000
Flood Accounts Receivable	\$100,000	
Flood Animals	\$25,000	
Flood Athletic Surfaces	\$50,000	
Flood Debris Removal	\$250,000	
Flood Decontamination Costs	\$25,000	
Flood Expediting Expenses	\$250,000	
Flood Fine Arts - Unscheduled	\$5,000	
Flood Fire Department Service Charge	Actual Cost	
Flood Fire Extinguishing Systems	Actual Cost	
Flood Green Coverage	\$100,000	
Flood Locks and Keys	\$25,000	
Flood Money and Securities	\$25,000	
Flood Off-Premises Service Interruption Property Damage	\$25,000	
Flood Off-Premises Storage - Property Under Construction	\$10,000	
Flood Ordinance or Law	\$500,000	
Flood Outdoor Signs	\$10,000	
Flood Parking Meters and Charging Stations	\$5,000	
Flood Personal Prop Not at a Covered Location	\$25,000	
Flood Professional Fees	\$5,000	
Flood Property Removed from a Covered Location	\$250,000	
Flood Protection and Preservation of Property	\$250,000	
Flood Transit Coverage	\$10,000	
Flood Unscheduled Misc Property	\$10,000	
Flood Unscheduled Playground Equipment	\$25,000	
Flood Valuable Papers and Records	\$100,000	

Moraine Codified Ordinances - Quarterly Codification Supplement

Department: Clerk of Council

Request: Action Item

Item Background and Purpose:

This is the first quarter 2026 supplement to the Moraine Codified Ordinances. Various ordinances have been enacted by the Moraine City Council which should be included within the Codified Ordinances of the City of Moraine; and certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution.

The preparation of legislation is requested to approve and adopt the codification supplement as an emergency to ensure timely adoption of revised rules and codes.

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

Traffic Code

331.38 Stopping for School Bus; Discharging Children. (Amended)

331.45 Restrictions on the Operation of School Buses. (Amended)

333.01 Driving or Physical Control While Under the Influence. (Amended)

General Offenses Code

513.01 Drug Abuse Definitions. (Amended)

513.12 Drug Paraphernalia. (Amended)

513.16 Adult Use Cannabis Control. (Amended)

517.01 Gambling Definitions. (Amended)

525.02 Falsification. (Amended)

525.15 Assaulting Police Dog or Horse or An Assistance Dog. (Amended)

529.08 Hours of Sale or Consumption. (Amended)

533.15 Dissemination of Private Sexual Images. (Repealed)

545.01 Theft and Fraud Definitions. (Amended)

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. Supplement pages - 1st qtr 2026

CODIFIED ORDINANCES OF THE CITY OF MORaine OHIO

Local legislation current through April 9, 2026

State legislation current through December 31, 2025

2

We, Teri Murphy, Mayor, and Karen Powell, Clerk of Council of Moraine, Ohio, pursuant to City Charter Section 10.15 and Ohio R.C. 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Moraine, Ohio, as revised, rearranged, compiled, renumbered as to sections, recodified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Moraine, Ohio, 2000, as amended to April 9, 2026.

/s/ Teri Murphy
Mayor

/s/ Karen Powell
Clerk of Council

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

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April 2026 Replacement

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CITY OF MORaine ROSTER OF OFFICIALS (2026)

COUNCIL

Teri Murphy	Mayor
Mike Daugherty	Ward 1
Dave Miller	Ward 2
Shirley Whitt	Ward 3, Deputy Mayor
Jeanette Marcus	Ward 4
Branden Delph	At-Large
Ora Allen	At-Large
Karen Powell	Clerk of Council

ADMINISTRATION

Michael Davis	City Manager
Annetta Williams	Finance Director
Martina Dillon	Law Director
Craig Richardson	Police Chief
Traci Kuzminski	Fire Chief
Brent Carpenter	Building and Zoning Administrator
Libby Schroeder	Community Development Director
Lauren Alvarado	City Engineer
Vacant	City Planner
Brent Shane	Parks and Recreation Director
Rocky Bangert	Building and Maintenance Superintendent
Chris Dunn	Street Superintendent
Susan Siroki	Clerk of Courts

April 2026 Replacement

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The publisher
expresses its appreciation
to

KAREN POWELL
Clerk of Council

all City officials
who gave time and counsel
to the 2000 recodification
of the City's ordinances and
preparation of current
replacement pages.

April 2026 Replacement

ANIMALS (Cont.)		ANNEXED LAND	
fights or exhibitions	505.15	zoning	1131.04
freeway, on	303.06	APPEALS	
hospital, clinic, kennel	1117.05(b)	flood damage reduction	1325.36,
hunting in parks	530.11	sexually oriented business	1325.39
impounding and disposition	505.03	storm sewer illicit discharge	945.15
killing or injuring	505.06	utility structure standards	905.06
noxious odors from shelter	521.09	ARREST	
nuisance	505.09	resisting	525.09
parks, in	530.11	shoplifters	545.04
poisoning	505.07	ARSON	
police dog or horse	525.15	conditions governing	541.02
running at large	505.02	determining property value	541.01
sidewalk, defacing	521.04	ASSAULT	
street, on	303.05	negligent	537.04
vicious dog, keeping	507.03(c)	physical harm	537.03
ANIMALS, DANGEROUS (see also ANIMALS)		ASSEMBLY	
Animal Control Officer powers	507.11	disturbing lawful	509.04
appeals		public place, nonsmoking	521.10
administrative	507.16	street, on; permit	311.02
Common Pleas Court	507.17	ASSURED CLEAR	
commercial establishments	507.15	DISTANCE	331.09, 333.03
costs	507.18	ATTEMPT	501.09
definitions	507.01	BAD CHECK	545.09
exemptions	507.04	BARRICADES AND	
notice of keeping	507.05	WARNING LIGHTS	
penalty	507.99	required	521.03
permit		B-B GUNS	549.08
application	507.09	BEER (see INTOXICANTS;	
exceptions	507.03	INTOXICATION)	
fee	507.10	BETTING (see GAMBLING)	
issuance	507.08	BICYCLE (see also MOTORCYCLE)	
renewal inspection	507.13	bell, signal device	373.05
required	507.07	bikeway use prohibited	303.09
requirements	507.03	brakes	373.06
revocation	507.14	dealers; reports	373.16
temporary	507.11	defined	301.07
term, renewal	507.12	electric bicycle	373.21
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1667-07	4-12-07	505.14	1818-11	11-23-11	TRAF. APPX. III
1668-07	3-22-07	339.02	1825-12	2-9-12	1307.01
1686-07	10-25-07	145.03, 147.01, 1111.07(a), 1117.02(c) to (h), 1125.04(b), 1127.04	1826-12	2-9-12	517.01, 517.16
1693-07	12-13-07	913.01 to 913.12, 913.99	1827-12	2-9-12	509.13
1696-08	1-24-08	945.01 to 945.22	1828-12	3-8-12	509.13
1697-08	1-24-08	901.01 to 901.33	1834-12	8-9-12	530.05
1701-08	2-28-08	903.03(a)	1835-12	8-9-12	159.04
1705-08	4-10-08	121.14	1845-12	12-13-12	181.14
1715-08	7-10-08	905.01 to 905.06	1860-13	1-10-13	725.01, 725.02, 725.05, 725.08, 725.11, 725.13, 725.15 to 725.17, 725.99
1731-09	2-12-09	339.02	1863-13	2-14-13	725.01, 725.11
1732-09	2-12-09	339.02	1864-13	3-14-13	1501.01
1737-09	5-28-09	1115.03, 1157.02, 1189.25; 1189.04	1870-13	9-12-13	507.99, 508.01 to 508.06, 508.99; Repealed
1739-09	6-25-09	1303.01	1878-14	2-4-14	507.01(a)(2) to (4), 507.03(e), 507.19
1740-09	7-9-09	1501.01 to 1501.03	1884-14	5-22-14	181.01C, 181.03C, 181.04B
1745-09	9-24-09	1419.01 to 1419.06, 1419.99	1888-14	12-11-14	530.02
1764-09	5-27-10	152.01 to 152.04	1898-14	1-8-15	1115.03, 1153.02, 1157.02
1770-10	7-22-10	1305.03(g), 1329.01 to 1329.07, 1329.99	1901-14	12-11-14	121.04
1772-10	8-26-10	TRAF. APPX. XII	1902-14	3-26-15	375.02
			1913-15	9-10-15	181.02
			1923-15	11-12-15	185.01 to 185.20, 185.97, 185.98, 185.99

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Ord. No.	Date	C.O. Section	Ord. No.	Date	C.O. Section
1936-15	12-10-15	537.05, 537.051, 537.06, 537.10, 537.11	2142-23	7-13-23	121.04(e)
1937-15	12-10-15	333.03	2150-23	12-14-23	509.03
1953-16	9-8-16	121.09	2151-23	12-14-23	185.03, 185.062, 185.091, 185.094, 185.10, 185.201, 185.202
1954-16	9-8-16	185.051, 185.091	2156-24	3-14-24	1325.01 to 1325.43, 1325.99
1955-16	10-13-16	1115.03, 1189.25	2157-24	3-28-24	TRAF. APPX. XII
1984-17	10-26-17	1115.03, 1185.22	2162-24	8-8-24	1101.01, 1101.02, 1105.01, 1105.02
1987-17	11-9-17	339.02			
1995-18	2-22-18	185.80 to 185.95			
1996-18	3-8-18	903.03			
2003-18	4-26-18	121.07	2177-25	6-26-25	149.01
2004-18	4-26-18	907.01 to 907.08, 907.99	2190-25	6-12-25	781.01, 781.99
2014-18	8-23-18	Repeals 155.05	2191-25	7-10-25	159.01
2023-19	1-24-19	725.01	2195-25	9-11-25	159.01
2024-19	1-24-19	185.012	2201-25	10-23-25	521.07
2027-19	2-28-19	145.03	2202-25	10-23-25	1181.04
2039-19	7-25-19	553.01, 553.011	2203-25	10-23-25	1181.05
2040-19	8-8-19	335.07; Deletes 335.073, 335.074	2204-25	10-23-25	1185.23
2046-19	9-26-19	TRAF. APPX. X	2205-25	10-23-25	1412.02
2048-19	10-10-19	1501.01	2206-25	10-23-25	505.08
2063-20	7-9-20	155.02	2217-26	1-22-26	901.22, 901.23
2064-20	7-9-20	355.09	2218-26	1-8-26	Traffic Code Appx. III
2065-20	7-23-20	121.01 to 121.04, 135.01	2222-26	2-12-26	549.08, 549.11, Repeals 549.09, 549.10, 549.12
2070-20	9-24-20	1115.03(a)(148.5)	2225-26	2-26-26	761.01 to 761.10, 761.99
2071-20	9-24-20	1157.02(a)(2)	2228-26	3-26-26	1501.01(a)
2088-21	6-10-21	Repeals 509.13	2229-26	4-9-26	505.01 to 505.17, 505.99, 507.01 to 507.20, 507.99, Repeals Ch. 508
2097-21	9-9-21	559.01 to 559.15, 559.99			
2098-21	9-9-21	1420.01 to 1420.11, 1420.99			
2103-22	1-27-22	105.03(b), (c)			
2104-22	2-10-22	351.03, 351.09			
2105-22	2-10-22	901.20(b)			
2110-22	4-14-22	909.01 to 909.04			
2111-22	4-14-22	945.01, 945.02, 1323.02, 1323.03, 1323.99, 1417.04, 1417.06, 1417.07			
2123-22	9-8-22	559.01 to 559.15, 559.99			
2125-22	10-27-22	331.43(b)			
2126-22	11-10-22	Repeals 553.01, 553.011, 553.03, 553.04, 553.06			
2136-23	5-11-23	333.11			
2137-23	5-11-23	131.01, 159.01			

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(d) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.701)

331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

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

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

(a) (1) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(2) This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties.

(3) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks. (ORC 4511.711(A))

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

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It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the Ohio Department of Education and Workforce, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Ohio Administrative Code.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with subsection (a) hereof.

(d) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child or person's residence side of the road.

(f) As used in this section:

- (1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.
- (2) "School bus", as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the Ohio Department of Education and Workforce, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.77, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings, or a multifunction school activity bus.

(g) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

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331.46 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.

(a) No person shall operate a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety. No person, being the owner thereof, or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety.

(b) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the Ohio Department of Education and Workforce by rule and that is subject to O.A.C. Chapter 3301-83.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or Ohio R.C. 4511.76, or Ohio R.C. 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.76(C), (I)(2), (J))

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(h) General OVI Penalty.

(1) Whoever violates any provisions of subsections (a)(1)A. to I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (a)(1)J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under Ohio R.C. Chapter 2929, except as otherwise authorized or required by subsections (h)(1)A. to E. of this section:

- A. Except as otherwise provided in subsection (h)(1)B., C., D., or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the penalties and sanctions provided in Ohio R.C. § 4511.19(G)(1)(a)(i) through (G)(1)(a)(iv).
- B. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the penalties and sanctions provided in Ohio R.C. § 4511.19(G)(1)(b)(i) through (G)(1)(b)(v).
- C. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in Ohio R.C. § 4511.19(G)(1)(c)(i) through (G)(1)(c)(vi).
- D. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) of this section or other equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature, or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in Ohio R.C. 2941.1413, is guilty of a felony to be prosecuted under appropriate state law.
- E. An offender who previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree and shall be prosecuted under appropriate state law.

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- (2) An offender who is convicted of or pleads guilty to a violation of subsection (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of Ohio R.C. 4511.191.
- (3) If an offender is sentenced to a jail term under subsection (h)(1)B. 1. or 2. or (h)(1)C. 1. or 2. of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this subsection that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. As an alternative to a mandatory jail term of ten consecutive days required by subsection (h)(1)B. 1. of this section, the court, under this subsection, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. As an alternative to the mandatory jail term of twenty consecutive days required by subsection (h)(1)B. 2. of this section, the court, under this subsection, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the ten consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. As an alternative to a mandatory jail term of thirty consecutive days required by subsection (h)(1)C. 1. of this section, the court, under this subsection, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(EDITOR'S NOTE: The next printed page is page 71.)

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III - PROHIBITED AND LIMITED PARKING AREAS

The following portions of streets and highways are declared to be prohibited and limited parking zones for the time designated.

No Parking Anytime

Stroop Road north side, from Springboro Road to Kettering Boulevard, and from Kettering Boulevard to South Dixie Drive.
 Stroop Road south side, from Springboro Road to South Dixie Drive.
 Springboro Road.
 South Dixie Drive west side.
 Marconi Avenue south side.
 Steinmetz Avenue south side.
 Beechgrove Road, fifty yards west from Sellars Road.
 Kettering Boulevard east side, from Chief Woods Lane to Winwood Avenue.
 Kettering Boulevard west side, from Blanchard Avenue south 380 feet.
 Blanchard Avenue north side, from Kettering Boulevard east 100 feet, and from Springboro Road east 150 feet.
 Blanchard Avenue south side, from Kettering Boulevard to South Dixie Drive, and from Springboro Road east 85 feet.
 Chief Woods Lane north side, from Springboro Road to Kettering Boulevard.
 Lance Drive both sides, from West Bowman Avenue to Cardington Drive.
 West Venetian Drive east side and west side.
 East Venetian Drive west side and east side.
 Southtown Boulevard south side, from 215 feet east of Elbee Road centerline east 125 feet.
 Elbee Road east side.
 Arbor Boulevard north side.
 Arbor Boulevard west side, Dryden Road to Glazer.
 Vance Road east side, in front of Frank Nicholas School from 900 feet south of B. & O. Railroad crossing centerline south 150 feet, except for school buses loading and unloading.
 Winwood Avenue, from Kettering Boulevard to Dixie Drive.
 Alley between and connecting South Dixie Drive and Kettering Boulevard.
 Kreitzer Road north side, westbound from the west side of the Dryden Road intersection to the dead end of Kreitzer Road.
 Cadillac Street cul de sac at the north dead end.
 Gladstone Street, cul de sac at the north dead end.
 Manistee Place south side.
 Dryden Road.
 Alley connecting Manistee Place and Orange Avenue, except for delivery.
 Bowman Drive from Lance Drive to Kettering corporation limit.
 Springboro West, south side.
 Dryden Road, at entries to Gem City Estates, Section Two, in vicinity of McCabe and Dearwester Drives.
 Springboro West between Kreitzer Road and Dryden Road
 Cardington Road from east Corporation line to Encrete Lane.
 Encrete Lane.
 East River Road from Arbor Avenue to the south line of City of Moraine Lot #2922.

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III - PROHIBITED AND LIMITED PARKING AREAS (Cont.)

No Parking 3:00 p.m. to 6:00 p.m., except Sunday
 Hoyle Place south side.

No Parking 6:00 a.m. to 6:00 p.m., except Sundays and Holidays
 Blanchard Avenue, from 85 feet east of Springboro Road to South Dixie Drive.
 Blanchard Avenue north side, from 150 feet east of Springboro Road to Kettering Boulevard.
 Chief Woods Lane south side, from Springboro Road to first alley east.

Two-Hour Parking 6:00 a.m. to 6:00 p.m., except Sundays and Holidays
 Marconi Avenue north side.
 Steinmetz Avenue north side.

Fulton Avenue, both sides, 4100 and 4200 blocks only.
 Kettering Boulevard west side, from Blanchard Avenue to alley north of Blanchard Avenue.
 Chief Woods Lane south side, from first alley east of Springboro Road to Kettering Boulevard.
 Blanchard Avenue north side, from Kettering Boulevard to Springboro Road.
 Fulton Avenue, both sides, 4000 block.

No Parking 9:00 a.m. to 5:00 p.m.
 In front of or within 20 feet of any mail box.

No Parking 6:00 p.m. to 6:00 a.m.
 Butler Avenue south side.

No Parking 8:00 a.m. to 6:00 p.m., Monday through Saturday
 From 4000 Ellery Avenue to 4030 Ellery Avenue.

Two-Hour Parking - No Unattached Trailers - Tow Away Zone
 City Lot at Sellars Road and Springboro Road.

Parking Without Time Limitation.
 Steinmetz, north side, between Fulton and Kettering Boulevard.

No Parking Anytime.
 Fuyao Avenue.

(Ord. 1072-94. Passed 6-23-94; Ord. 1081-94. Passed 7-28-94; Ord. 1112-95. Passed 3-9-95; Ord. 1145-95. Passed 11-9-95; Ord. 1180-96. Passed 11-14-96; Ord. 1186-97. Passed 2-13-97; Ord. 1207-97. Passed 9-11-97; Ord. 1227-98. Passed 5-14-98; Ord. 1237-98. Passed 7-9-98; Ord. 1381-00. Passed 7-13-00; Ord. 1598-05. Passed 10-13-05; Ord. 1818-11. Passed 11-23-11; Ord. 2218-26. Passed 1-8-26.)

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CODIFIED ORDINANCES OF MORaine

PART FIVE - GENERAL OFFENSES CODE

- Chap. 501. General Provisions and Penalty.
- Chap. 505. Animals and Fowl.
- Chap. 507. Dangerous Animals.
- Chap. 508. Dangerous, Nuisance and Vicious Dogs. (Repealed)
- Chap. 509. Disorderly Conduct and Peace Disturbance.
- Chap. 513. Drug Abuse Control.
- Chap. 517. Gambling.
- Chap. 521. Health, Safety and Sanitation.
- Chap. 525. Law Enforcement and Public Office.
- Chap. 529. Liquor Control.
- Chap. 530. Parks.
- Chap. 533. Obscenity and Sex Offenses.
- Chap. 537. Offenses Against Persons.
- Chap. 541. Property Offenses.
- Chap. 542. False Police Alarms.
- Chap. 545. Theft and Fraud.
- Chap. 549. Weapons and Explosives.
- Chap. 553. Railroads.
- Chap. 557. Weeds, Trees and Shrubbery. (Repealed)
- Chap. 559. Public Nuisance Abatement.

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CHAPTER 505 Animals and Fowl

505.01 Definitions.	505.12 Montgomery County Humane Society services.
505.02 Dogs and other animals running at large.	505.13 Coloring rabbits or baby poultry; sale or display of poultry.
505.03 Impounding and disposition; records.	505.14 Proximity of animals to human habitations.
505.04 Annual registration of dogs; tags required.	505.15 Exhibitions or fights involving animals, reptiles or fowl.
505.05 Abandoning animals.	505.16 Minimum lot size for farm animals.
505.06 Killing or injuring animals.	505.17 Rights of blind, deaf or hearing impaired, or mobility impaired person, or trainer with assistance dog.
505.07 Poisoning animals.	505.99 Penalty.
505.08 Cruelty to animals generally.	
505.081 Cruelty to companion animals.	
505.09 Nuisance conditions prohibited.	
505.10 Barking or howling dogs.	
505.11 Animal bites; reports and quarantine.	

CROSS REFERENCES

See sectional histories for similar State law
Owner or keeper liable for damages - see Ohio R.C. 951.10
Dog registration - see Ohio R.C. 955.01
Dangerous animals - see GEN. OFF. Ch. 507
Discharging weapons; exceptions - see GEN. OFF. 549.08

505.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context shall indicate another or different meaning or intent:

- (a) "Community Services Officer" means the Chief Animal Control Officer of the City of Moraine or his duly authorized representative.
- (b) "Dangerous dog" shall have the same meaning as that found at Ohio Revised Code 955.01(B).

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- (c) "Domestic animal" means a tamed animal which is not listed as a "dangerous animal" in Section 507.01.
- (d) "Farm animal" means horses, mules or other equidae, cattle, sheep and goats and other bovidae, swine and other suidae.
- (e) "Impounded" means taken into the custody of the public pound at Montgomery County Humane Society in the City of Dayton.
- (f) "Law enforcement officer" has the same meaning as used in Section 501.01.
- (g) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.
- (h) "Owner" means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
- (i) "Person" means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership or trust.
- (j) "Police dog" shall have the same meaning as that found at Ohio Revised Code 955.01(E). (Ord. 2229-26. Passed 4-9-26.)

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(EDITOR'S NOTE: Former Section 505.02 (Dogs And Other Animals Running At Large) was repealed by Ordinance 2229-26, passed April 9, 2026. See O.R.C. Chapter 955 and Chapter 951 for current regulations.)

505.03 IMPOUNDING AND DISPOSITION; RECORDS.

(a) The Community Services Officer or any police officer may impound every animal or dog found running at large. If the impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs in accordance with Ohio R.C. 955.16. If the dog is wearing a valid registration tag or the identity of the owner or harbinger is otherwise established, notice shall immediately be given to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by ordinary mail to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog not redeemed within three days of the time it is seized or impounded shall be sold or otherwise disposed of as provided by Ohio R.C. 955.16.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs or receipts involving such dog shall be kept. (Ord. 2229-26. Passed 4-9-26.)

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505.04 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide, leader, hearing, or support dogs registered under Ohio R.C. 955.021, and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, and dogs registered under Ohio R.C. 955.022 as law enforcement canines, no person shall own, keep or harbor a dog more than three months of age without registering such dog with the County Auditor under Ohio R.C. 955.02. No owner of a dog, except a dog constantly confined to a dog kennel registered under this chapter or licensed under Chapter 956 of the Revised Code, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration under division (A) of Ohio R.C. 955.02. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section by failing to register a dog under Ohio R.C. 955.02 shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(c) Any owner of a dog who fails to require the dog to wear a tag at all times as required by this section is guilty of a minor misdemeanor. (Ord. 2229-26. Passed 4-9-26; Ord. 2229-26. Passed 4-9-26.)

505.05 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. (ORC 959.99 (E)(3)); Ord. 2229-26. Passed 4-9-26.)

505.06 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04. (ORC 959.02)

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99(B); Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

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505.07 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04. (ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 959.99(C); Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.08 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water; Pet stores are to comply to proper care and nutrients to animals. This includes amphibians, birds, fish, mammals, and reptiles. Any notice of improper care of an animal at a pet store or any business that houses animals can compel an investigation by the City of Moraine. (Ord. 2206-25. Passed 10-23-25.)
- (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;
- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;
- (5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle. (ORC 959.13)

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(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.
(ORC 959.99(D); Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.081 CRUELTY TO COMPANION ANIMALS.

- (a) As used in this section:
- (1) "Animal rescue for dogs", has the same meaning as in Ohio R.C. 956.01.
 - (2) "Boarding kennel" has the same meaning as in Ohio R.C. 956.01.
 - (3) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. The term does not include livestock or any wild animal.
 - (4) "Cruelty", "torment" and "torture" have the same meaning as in Ohio R.C. 1717.01.
 - (5) "Dog kennel" means an animal rescue for dogs, a boarding kennel or a training kennel.
 - (6) "Federal Animal Welfare Act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. §2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976) and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
 - (7) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
 - (8) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
 - (9) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.
- (b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.
- (c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:
- (1) Torture, torment or commit an act of cruelty against the companion animal;
 - (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
 - (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

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(d) No person who confines or who is the custodian or caretaker of a companion animal shall recklessly deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water.

(e) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Torture, torment, or commit an act of cruelty against the companion animal;
 - (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
 - (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.
- (f) Subsections (b), (c), (d) and (e) of this section do not apply to any of the following:
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
 - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
 - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
 - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
 - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.

(g) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this section to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this section. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this section, the county humane society shall use the fine moneys either to provide the training that is required for humane society agents under Ohio R.C. 1717.061 or to provide additional training for humane society agents.
(ORC 959.131)

- (h) (1) Whoever violates subsection (b) or (d) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

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- (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
- (3) Whoever violates subsection (e) hereof is guilty of a misdemeanor of the first degree.
- (4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.
- B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.
- (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section has a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.
(ORC 959.99; Ord. 2229-26. Passed 4-9-26.)

505.09 NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- (b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.10 BARKING OR HOWLING DOGS.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.11 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Montgomery County Health Commissioner within twenty-four hours. Whenever it is reported to the Montgomery County Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harbinger. 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

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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 harbinger. 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.
(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.12 MONTGOMERY COUNTY HUMANE SOCIETY SERVICES.

(a) **Disposition of Impounded Dogs.** Impounded dogs may be placed in the animal shelter maintained by the Montgomery County Humane Society, maintenance to be at the expense of such owner or other person having charge or control of the dog.

(b) **Contract Authorized.** The City Manager is authorized to enter into a contract with the Montgomery County Humane Society to provide an animal control officer in conjunction with the cities of West Carrollton and Miamisburg.

(c) **Compensation and Equipment.** The contract shall provide for an animal control officer to be assigned by the Montgomery County Humane Society to work exclusively in the cities of Moraine, West Carrollton and Miamisburg and that the City of Moraine and the remaining cities shall compensate the Humane Society on the basis of the services actually rendered to each city. The contract shall further provide that the initial capital cost necessary to provide the necessary equipment for the animal control officer shall be divided equally by the three cities.

(d) **Level of Services.** For the services contracted, it is specifically agreed between the City of Moraine and the Montgomery County Humane Society, shall be in addition to the level of services now provided to the City of Moraine by the Montgomery County Humane Society and the level of services now provided by the Humane Society to the cities of Miamisburg and West Carrollton.

(e) **Citation and Notice.** The animal control officer, his agents and deputies, in addition to City police officers, are hereby authorized to issue citations for the purpose of giving notice to persons violating Chapter 505. Such notice shall be given by delivering the citation personally to the violator or by mailing it to his last known address, or by certified mail, return receipt requested.

(f) **Plea of Guilty.** Any citation shall direct the violator to appear and to present the citation to the Clerk of the Mayor's Court's office, on or before the date and hour specified thereon. Upon presentation of the citation to the Clerk, the violator may file a written plea of guilty with the Clerk and pay the waiver fee established by the Mayor, or register for court appearance and receive a date for hearing upon the charge.

(g) **Moneys to be Paid County Treasurer.** Six dollars (\$6.00) of the moneys collected from each citation issued pursuant to the authority herein shall be paid to the Montgomery County Treasurer for the account of the Montgomery County Humane Society pursuant to the execution of the agreements herein referred to and shall be in addition to all other moneys which the City is to pay under the terms of the contract.

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(h) **Authorization to Expend Funds.** The City Manager is authorized to enter into such contract with the Montgomery County Humane Society and to expend a sum in excess of fifteen hundred dollars (\$1,500) therefor, upon the approval of the contract by the City Manager. (Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.13 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than three. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times. (ORC 925.62)

(b) Whoever violates this section is guilty of a minor misdemeanor. (Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.14 PROXIMITY OF ANIMALS TO HUMAN HABITATIONS.

(a) No person shall keep a pig, horse, cow, goat, more than three dogs at least three months of age or any other animal, fowl or poultry in an exterior pen, yard, lot, or other similar enclosure situated within 200 feet of an inhabited dwelling house, other than the house occupied by the owner of such animal, fowl or poultry.

(b) This restriction shall not be applicable to property zoned A-1 (Agricultural District) nor shall it apply to property annexed into the City that was similarly zoned prior to said annexation and which has been continuously used for permitted uses under prior zoning applicable to said property or is being used for agricultural purposes under Section 1135.02(a)(1) of the Moraine Codified Ordinances.

(c) Whoever violates this section is guilty of a minor misdemeanor. (Ord. 1667-07. Passed 4-12-07; Ord. 2229-26. Passed 4-9-26.)

505.15 EXHIBITIONS OR FIGHTS INVOLVING ANIMALS, REPTILES OR FOWL.

(a) No person shall knowingly participate in any way or be employed at any of the following:

- (1) Dog fighting;
- (2) Cock fighting;
- (3) Bear baiting; or
- (4) Any other exhibition or contest in which any animal, reptile or fowl is placed in combative physical competition against another of its own or a different species, including human beings.

(b) Whoever violates this section is guilty of a minor misdemeanor. (Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.16 MINIMUM LOT SIZE FOR FARM ANIMALS.

(a) No person being the owner or having charge of a farm animal as defined in Section 505.01(d) shall keep or harbor such animal on private or public land not in compliance with the required minimal lot area.

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(1) Minimal lot area required for any one member of the defined farm animal species shall require one (1) acre of open land.

(b) No person being the owner or having charge of a farm animal shall keep or harbor such animal if not in compliance with the provisions of Section 505.14.

(c) Whoever violates this section is guilty of a minor misdemeanor. (Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

505.17 RIGHTS OF BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSON, OR TRAINER WITH ASSISTANCE DOG.

(a) When a person who is blind, deaf or hearing impaired, or a person with a mobility impairment, or a trainer of an assistance dog is accompanied by an assistance dog, the person or trainer, as applicable, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, and lodging places, all places of public accommodation, amusement, or resort, all institutions of education, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

- (1) The dog shall not occupy a seat in any public conveyance.
- (2) The dog shall be leashed while using the facilities of a common carrier.
- (3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(b) No person shall recklessly deprive a person who is blind, deaf, or hearing impaired, a person who has a mobility impairment, or a trainer of an assistance dog when the person or trainer, as applicable, is accompanied by an assistance dog, of any of the advantages, facilities or privileges provided in subsection (a) of this section, nor charge the person or trainer a fee or charge for the dog. (ORC 955.43(B), (C))

(c) As used in this section:

- (1) "Assistance dog" means a dog that has been trained by a nonprofit or for-profit special agency and that is one of the following:
 - A. A guide dog;
 - B. A hearing dog;
 - C. A service dog.
- (2) "Blind" means either of the following:
 - A. Vision 20/20 or less in the better eye with proper correction;
 - B. Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.
- (3) "Guide dog" means a dog that has been trained or is in training to assist a blind person.
- (4) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.
- (5) "Institutions of education" means any of the following:
 - A. Any state university or college as defined in Ohio R.C. 3345.32;
 - B. Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713;

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- C. Any elementary or secondary school operated by a board of education;
- D. Any chartered or nonchartered nonpublic elementary or secondary school; or
- E. Any school issued a certificate of registration by the state Board of Career Colleges and Schools.

(6) "Person with a mobility impairment" means any person, regardless of age, who is subject to a physiological impairment regardless of its cause, nature or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. The phrase includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise or perform any related function. The phrase also includes a person with a seizure disorder and a person who is diagnosed with autism.

(7) "Service dog" means a dog that has been trained or is in training to assist a person with a mobility impairment. (ORC 955.021(B), 955.43(C))

(d) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree. (ORC 955.99(D); Ord. 2229-26. Passed 4-9-26.)

505.99 PENALTY.

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

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

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CHAPTER 507
Dangerous Animals

507.01 Definitions.	507.12 Term and renewal of permits.
507.02 Prohibitions.	507.13 Inspection for renewal.
507.03 Exceptions; permit and registration requirements.	507.14 Revocation of permits.
507.04 Exemptions.	507.15 Commercial establishments.
507.05 Notice of keeping dangerous animals.	507.16 Administrative appeals.
507.06 Seizure and impounding of dangerous animals.	507.17 Appeal to Common Pleas Court.
507.07 Permit required.	507.18 Costs to be paid by responsible persons.
507.08 Issuance of permit.	507.19 Report of escape of dangerous animal or vicious dog. (Repealed)
507.09 Application for permit.	507.20 Severability.
507.10 Permit fee.	507.99 Penalty.
507.11 Temporary permits; powers of Animal Control Officer.	

CROSS REFERENCES

See sectional histories for similar State law
Power to restrain and impound animals - see Ohio R.C. 715.23
Owner or keeper liable for damages - see Ohio R.C. 951.10
Animals and fowl generally - see GEN. OFF. Ch. 505
Animal bites - see GEN. OFF. 505.11

507.01 DEFINITIONS.

- (a) For the purposes of this chapter, "dangerous animal" means and includes:
- (1) Any mammal, amphibian, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics, would constitute a danger to human life, physical well-being or property including, but not limited to the animals listed:

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- A. All crotalids, elapids and venomous colubroid snakes;
- B. Apes; Gibbons (hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus);
- C. Baboons (Papoi, Mandrillus);
- D. Bears (Ursidae);
- E. Bison (Bison);
- F. Cheetahs (Acinonyx jubatus);
- G. Crocodilians (Crocodilia) when twenty-four (24) inches in length or more;
- H. Constrictor snakes exceeding six (6) feet in length;
- I. Coyotes (Canis latrans);
- J. Deer (Cervidae), includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
- K. Elephants (Elephas and Loxodonta);
- L. Foxes (Canis latrans);
- M. Game cocks and other fighting birds;
- N. Hippopotami (Hippopotamidae);
- O. Hyenas (Hyaenidae);
- P. Jaguars (Panthera pardus);
- Q. Leopards (Panthera pardus);
- R. Lions (Panthera leo);
- S. Lynxes (Lynx);
- T. Ostriches (Struthio);
- U. Piranha fish (Characidae), except those considered vegetarians;
- V. Pumas (Felis concolor), also known as cougars, mountain lions and panthers;
- W. Rhinoceroses (Rhinocero tidae);
- X. Sharks (Class Chondrichthyes);
- Y. Snow leopards (Panthera uncia);
- Z. Swine (Suidae);
- AA. Tigers (Panthera tigris);
- BB. Wolves (Canis lupus);
- CC. Scorpions;
- DD. Birds of prey, except of those held by licensed falconers;
- EE. Venomous fish;
- FF. Poisonous spiders, except for tarantulas;
- GG. Stinging insects (except honey bees);
- HH. Bats.

"Dangerous animal" also includes any species whose average adult weight is twenty (20) pounds or more, which are poisonous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup.

- (2) (EDITOR'S NOTE: Former subsections (a)(2), (3) and (4) were repealed by Ordinance 1870-13, passed September 12, 2013. See Chapter 508 for current regulations.)

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- (b) "Law enforcement officer" has the same meaning as used in Section 501.01 of these Codified Ordinances.
 - (c) "Person" includes any natural person, association, partnership, organization or corporation.
 - (d) "Serious physical harm" means:
 - (1) Any physical harm which carries a substantial risk of death;
 - (2) Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity;
 - (3) Any physical harm which involves some permanent disfigurement, or which involves some temporary, serious disfigurement;
 - (4) Any physical harm which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.
 - (e) "Secured" means securely confined indoors, or securely restrained by means of a collar and chain, pen, cage, fence, or similar physical device, and in such a manner which effectively prevents an animal from going beyond the premises of the owner.
 - (f) "Own, keep or harbor" means to have legal title, own, possess, maintain or have care, custody or control.
 - (g) "Unconfined" means not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner, keeper or harbinger, with such pen or structure having secure sides and a secure top. A pen or structure shall not be deemed securely enclosed where it has no bottom secured to the sides, unless the sides are embedded in the ground no less than twelve inches.
- (Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.02 PROHIBITIONS.

Except as provided in Sections 507.03 and 507.04, no person shall own, keep or harbor any dangerous animal in the City of Moraine.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.03 EXCEPTIONS; PERMIT AND REGISTRATION REQUIREMENTS.

Any person or organization which falls into one of the following subsections shall be permitted to own, harbor or have charge, custody, control or possession of any animal described in Section 507.01 provided he/she has first secured a permit under Section 507.07:

- (a) The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.
 - (b) The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.
 - (c) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
 - (d) Commercial establishments possessing such animals for the purpose of sale or display.
- (Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)
- (EDITOR'S NOTE: Former subsections (e) was repealed by Ordinance 1870-13, passed September 12, 2013. See Chapter 508 for current regulations.)

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507.04 EXEMPTIONS.

The provisions of this chapter shall not apply to the transportation of such animals through this City, when such transporter has taken adequate safeguards to protect the public and has notified the local law enforcement agency of the proposed route of transportation and time thereof.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.05 NOTICE OF KEEPING DANGEROUS ANIMALS.

Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal in violation of this chapter in the City, the Community Services Officer or a law enforcement officer shall forthwith cause the matter to be investigated; and if after investigation the facts indicate that such person named in the complaint is in fact the owner or is keeping or harboring any such dangerous animal in the City, he shall forthwith send written notice to such person requiring such person to safely remove such animal from the City within five (5) days of the date of such notice. Notice as herein provided shall not be required where such dangerous animal has previously caused serious physical harm or death to any person or has escaped and is at large in which case the Community Services Officer shall cause such animal to be immediately seized and impounded, according to the provisions of Section 507.06 or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.06 SEIZURE AND IMPOUNDING OF DANGEROUS ANIMALS.

(a) The Community Services Officer or a law enforcement officer shall forthwith cause to be seized and impounded any dangerous animal, where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to Section 507.05. Upon seizure and impoundment, such animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.

(b) If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the Community Services Officer may render such animal immobile by means of tranquilizers or other safe drugs; or if it is not safely possible, then such animal may be killed.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.07 PERMIT REQUIRED.

(a) No person under Section 507.03 owning, harboring or having charge, custody, control or possession of any animal described in Section 507.01, shall allow such animal to remain within the City unless and until he/she has first secured a permit to do so and complies with all terms and conditions of such permit; and, in addition thereto, such animal shall at all times be so confined, controlled and restrained in such manner so the life, limb, or property of any person lawfully entering such premises shall not be endangered.

(b) Failure to obtain a permit when required by subsection (a) hereof after written notification by the Community Services Officer or a law enforcement officer shall be adequate grounds for such officer to impound such animal until a permit is obtained. If no permit is obtained within ten (10) days, such animal will be subject to summary destruction.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

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507.08 ISSUANCE OF PERMIT.

Except as hereinafter provided, no person under Section 507.03 shall have, keep, maintain, or have in his/her possession or under his/her control within the City any animal described in Section 507.01 without first applying to and receiving a permit from the Police Lieutenant; provided, no permit shall be granted except with such conditions attached as shall, in the opinion of the person or agency approving such permit, reasonably ensure the public health, safety and general welfare, and in any event no permit shall be granted for any animal at any particular location except upon an explicit finding by the Police Lieutenant that the issuance thereof will not be contrary to the public health, safety and general welfare.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.09 APPLICATION FOR PERMIT.

An application for any permit required pursuant to this chapter shall be made to the City in writing and upon a form furnished by the City. Such application shall be verified by the person who desired to have, keep, maintain or having in his/her possession or under his/her control, in the City, the animal for which a permit is required, and shall set forth the following:

- (a) Name, address and telephone number of the applicant.
- (b) The applicant's interest in such animal.
- (c) The proposed location, and the name, address and telephone number of the owner of such location, and of the lessee, if any.
- (d) The number and general description of all animals for which the permit is sought.
- (e) Any information known to the applicant concerning vicious or dangerous propensities of all such animals.
- (f) The housing arrangements for all such animals with particular details as to safety or structure, locks, fencing, etc.
- (g) Safety precautions proposed to be taken.
- (h) Noises or odors anticipated in the keeping of such animals.
- (i) Prior history of incidents involving the public health or safety involving any of such animals.
- (j) Proof of insurance to cover those who may be injured or killed by such animal.
- (k) A statement, signed by the applicant, indemnifying the City and its agents and employees for any and all injuries that may result from such animal.
- (l) Any additional information required by the Community Services Officer at the time of filing such applications or thereafter.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.10 PERMIT FEE.

The total fee shall not exceed ten dollars (\$10.00) for any one permit application and is nonrefundable. Such fee shall be payable to the City at the time of filing the permit application. Accretions by natural birth shall not require additional permits during the period of a valid permit.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

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507.11 TEMPORARY PERMITS; POWERS OF ANIMAL CONTROL OFFICER.

The Police Lieutenant may, following the application for a permit and pending a final disposition of the same, grant a temporary permit for the maintenance within the City of any such animal upon such conditions as he/she shall, in his/her sole discretion, require when, in his/her opinion, there is no reasonable doubt as to the consistency thereof with the public health, safety and general welfare, but no such animal shall be otherwise kept or maintained within this City or permitted to occupy any premises within this City except while such a regular or temporary permit is in full force and effect; provided, however, that any law enforcement officer or the Community Services Officer, shall take possession of any animal described under Section 507.01 for which a permit has not been issued and keep the same until the proper permit has been secured by the owner or keeper thereof and shall release the same to the owner or keeper when all fees and costs have been paid and all laws and permit conditions complied with.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.12 TERM AND RENEWAL OF PERMITS.

No permit required by this chapter shall be granted for a period in excess of one year. An application for renewal of any permit shall be made not less than forty-five (45) days prior to the expiration thereof, and shall be accompanied by the same fee as required upon making the original application.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.13 INSPECTION FOR RENEWAL.

Prior to the annual renewal of any permit issued hereunder and at least once not more than six (6) months after the issuance of any such permit or after its renewal, the Community Services Officer or his designated representative shall inspect the premises subject to such permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this chapter. If the Community Services Officer determines during any such inspection that any of the conditions therein specified are being violated, he/she will recommend denial of a renewal of any such permit, or he/she shall recommend revocation of such permit in the event that such violation is not corrected within such period of time as he/she shall direct.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.14 REVOCATION OF PERMITS.

The City, upon recommendation of the Community Services Officer may, for good cause, revoke any permit or modify any terms or provisions thereof and may, in the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, suspend any permit or portion thereof without hearing, for a period not to exceed thirty (30) days. Failure to comply with any of the provisions of this chapter shall be sufficient grounds for revocation.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

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507.15 COMMERCIAL ESTABLISHMENTS.

(a) Commercial establishments possessing such animals for the purpose of sale or display may replace the same with others of the same kind, but the number of each shall not be in excess of the number thereof allowed by the terms of such permit. Such establishments may, at the discretion of the Police Lieutenant, be granted a permit for those such numbers of each kind of animal as does not exceed the maximum number such establishment estimates will be maintained by it in this City at any one time during the period of the permit. Such permit shall require the immediate notification of the Community Services Officer upon the acquisition of any animal having prior history of any incident involving the public health or safety, or resulting in any bodily injury or property damage.

(b) Upon the sale of any dangerous animal, such commercial establishment shall immediately send notification of such sale along with name and address of the buyer, the method of transporting the animal, the path of travel of such transportation, and the destination to the Community Services Officer.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.16 ADMINISTRATIVE APPEALS.

(a) Any person aggrieved by or dissatisfied with any of the following decisions, rulings, actions or findings may, within ten (10) days thereafter, file a written notice or statement of appeal from such decisions, ruling, action or finding to the Chief of Police for an administrative hearing thereon:

- (1) The determination that an animal is dangerous under Sections 507.01 and 507.02;
- (2) The denial of a permit under Section 507.08;
- (3) The denial of a renewal of a previously issued permit under Section 507.04;
- (4) The revocation of a previously issued permit under Section 507.15; and
- (5) The temporary suspension of any permit or portion thereof under Section 507.14.

(b) The filing of an appeal under this section shall not stay any action taken pursuant to this chapter.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.17 APPEAL TO COMMON PLEAS COURT.

Any aggrieved party may appeal the decision and findings of the Police Chief pursuant to the Ohio Revised Code to the Common Pleas Court. However, the filing of an appeal under this section shall not stay any action taken pursuant to this chapter.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.18 COSTS TO BE PAID BY RESPONSIBLE PERSONS.

Any reasonable costs incurred by the Community Services Officer in seizing, impounding, confining, or disposing of any dangerous animal, pursuant to the provisions of Sections 507.05, 507.06, 507.07 and 507.11, shall be charged against the owner, keeper or harbinger of such animal and shall be collected by the Clerk of Courts.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

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507.19 REPORT OF ESCAPE OF DANGEROUS ANIMAL OR VICIOUS DOG. (REPEALED)

(EDITOR'S NOTE: Former Section 507.19 was repealed by Ordinance 1870-13, passed September 12, 2013. See Chapter 508 for current regulations.)

507.20 SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

(Ord. 1090-94. Passed 10-27-94; Ord. 2229-26. Passed 4-9-26.)

507.99 PENALTY.

Any person violating or permitting the violation of any provision of this chapter shall upon conviction in the Moraine Mayor's Court of a minor misdemeanor be fined a sum not more than one hundred dollars (\$100.00). In addition, the Court shall order the registration of and permit for the subject dangerous animal revoked and the dangerous animal removed from the City. Should the defendant refuse to remove the animal from the City, the Mayor's Court shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that violation continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates any provision of this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of such sections.

(Ord. 1090-94. Passed 10-27-94; Ord. 1870-13. Passed 9-12-13; Ord. 2229-26. Passed 4-9-26.)

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CHAPTER 508
Dangerous, Nuisance and Vicious Dogs (Repealed)

(EDITOR'S NOTE: Former Chapter 508 (Dangerous, Nuisance and Vicious Dogs) was repealed by Ordinance 2229-26, passed April 9, 2026. See O.R.C. Chapter 955 for current regulations.

The City will utilize ORC 955, et al., with respect to nuisance, dangerous, and vicious dogs subject to the jurisdiction of the City of Moraine, Ohio.)

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CHAPTER 513
Drug Abuse Control

513.01	Definitions.	513.09	Controlled substance or prescription labels.
513.02	Gift of marihuana.	513.10	Hypodermic possession, display and dispensing.
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513.04	Possessing drug abuse instruments.	513.12	Drug paraphernalia.
513.05	Permitting drug abuse.	513.121	Marihuana drug paraphernalia.
513.06	Illegal cultivation of marihuana.	513.13	Counterfeit controlled substances.
513.07	Possessing or using harmful intoxicants.	513.14	Offender may be required to pay for controlled substance tests.
513.08	Illegally dispensing drug samples.	513.15	Sale of dextromethorphan.
		513.16	Adult use cannabis control.
		513.17	Pseudoephedrine sales.
		513.99	Penalty.

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)
Attempted drug abuse offenses - see GEN. OFF. 501.09(c)
Adulterating food with drug of abuse - see GEN. OFF. 537.13
Using weapons while under the influence - see GEN. OFF. 549.03.

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) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

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- (d) "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;

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- (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.
- (38) A person who has been issued a license to practice as a certified mental health assistant under Ohio R.C. Chapter 4772.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
 - (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
 - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Behavioral Health or a board of alcohol, drug addiction, and mental health services.

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- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
- (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01. (ORC 2925.01)

513.02 GIFT OF MARIHUANA.

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

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

- (a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.
- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772;
 - 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;

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- (2) The name of the patient for whom the controlled substance is prescribed and, if the patient is an animal, the name of the owner and the species of the animal;
- (3) The name of the prescriber;
- (4) All directions for use stated on the prescription or provided by the prescriber;
- (5) The date on which the controlled substance was dispensed or supplied;
- (6) The name, quantity and strength of the controlled substance and, if applicable, the name of the distributor or manufacturer.
- (c) The requirements of subsection (b) of this section do not apply when a controlled substance is prescribed or supplied for administration to an ultimate user who is institutionalized.
- (d) A licensed health professional authorized to prescribe drugs who personally furnishes a controlled substance to a patient shall comply with division (A) of ORC 4729.291 with respect to labeling and packaging of the controlled substance.
- (e) No person shall alter, deface, or remove any label affixed pursuant to this section as long as any of the original contents remain.
- (f) Every label for a schedule II, III or IV controlled substance shall contain the following warning:

"Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed". (ORC 3719.08)
- (g) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 3719.99)

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

(a) Possession of a hypodermic is authorized for the following:

- (1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;
- (2) Terminal distributor of dangerous drugs, in the regular course of business;
- (3) A person authorized to administer injections, in the regular course of the person's profession or employment;
- (4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;
- (5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;
- (6) A farmer, for the lawful administration of a drug to an animal;
- (7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

(b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in the person's possession from theft or acquisition by any unauthorized person. (ORC 3719.12)

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(c) Whoever violates this section is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.05, 3719.06, 3719.13, 3719.172(B) or (E), or 3719.31 or a drug abuse offense, a violation is a misdemeanor of the first degree. (ORC 3719.99)

513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.

(a) As used in this section, "motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(b) Unless authorized under Ohio R.C. Chapter 3719, 4715, 4729, 4731, 4741 or 4765, no person shall possess an open cartridge of nitrous oxide in either of the following circumstances:

- (1) While operating or being a passenger in or on a motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking;
- (2) While being in or on a stationary motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking.

(c) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree.

(d) In addition to any other sanction imposed upon an offender for possessing nitrous oxide in a motor vehicle, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.33)

513.12 DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance, unless subsection (d)(4) of this section applies to the testing equipment;
- (6) A scale or balance for weighing or measuring a controlled substance;
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;

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- (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (11) A container or device for storing or concealing a controlled substance;
- (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.
- (b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:
- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
 - (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
 - (3) The proximity of the equipment, product or material to any controlled substance;
 - (4) The existence of any residue of a controlled substance on the equipment, product or material;
 - (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
 - (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
 - (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
 - (8) National or local advertising concerning the use of the equipment, product or material;
 - (9) The manner and circumstances in which the equipment, product or material is displayed for sale;
 - (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
 - (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
 - (12) Expert testimony concerning the use of the equipment, product or material.

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- (c) (1) Subject to subsection (d)(2), (d)(3) and (d)(4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.
- (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia. No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, 4741 and 4772. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
- (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.
- (3) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of subsection (c)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.
- (4) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound or any other equipment, product, or material approved by the State Board of Pharmacy, in rules adopted under Ohio R.C. 4729.261, as a type of instrument that demonstrates efficacy in reducing drug poisoning by determining the presence of a specific compound or group of compounds.
- (e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.
- (f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
- (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
- (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
- (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

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- (3) "Retailer" means a place of business that offers consumer products for sale to the general public, including a terminal distributor of dangerous drugs that is licensed under Ohio R.C. Chapter 4729 and operated as a pharmacy.
- (b) No retailer or employee of a retailer shall knowingly supply, deliver, give or otherwise provide a drug, material, compound, mixture, preparation or substance containing any quantity of dextromethorphan through the sale of any product to a person under eighteen years of age, unless the person has been issued a prescription for the product being purchased.
- (c) For purposes of subsection (b) of this section, the person making the sale of a product containing dextromethorphan shall require and obtain evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older. Proof that the person making the sale demanded, was shown, and acted in reasonable reliance on the purchaser's evidence of majority and identity is a defense to any charge of a violation of subsection (b) of this section.
- (d) A retailer or employee of a retailer is not liable for damages in a civil action for injury, death or loss to person or property that allegedly arises from an act or omission associated with a failure to prevent the sale of a product containing dextromethorphan to a person under eighteen years of age, unless the act or omission constitutes willful or wanton misconduct.
- (e) Whoever violates subsection (b) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor.

513.16 ADULT USE CANNABIS CONTROL.**(a) Home Grow.**

- (1) Notwithstanding any conflicting provision of the Ohio Revised Code, an adult-use consumer may do all of the following:
- A. Cultivate, grow, and possess homegrown marijuana plants at the adult-use consumer's primary residence, if all of the following apply:
 1. Not more than six homegrown marijuana plants are cultivated or grown by each adult-use consumer;
 2. Not more than twelve homegrown marijuana plants are cultivated or grown at a single residence;
 3. Cultivation or growing of homegrown marijuana takes place only within a secured closet, room, greenhouse, or other enclosed area in or on the grounds of the residence that prevents access by individuals under twenty-one years of age, and which is not visible by normal unaided vision from a public space;
 4. Cultivation or growing of homegrown marijuana does not take place at a residence that is any of the following:
 - a. A type A family child care home or type B family child care home, as those terms are defined in Ohio R.C. 5104.01;
 - b. A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the Ohio Division of Parole and Community Services under Ohio R.C. 2967.14;

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- c. A residential premises occupied pursuant to a rental agreement that prohibits the activities otherwise authorized by this section.
- B. Process homegrown marijuana by manual or mechanical means.
 - C. Store homegrown marijuana and adult-use marijuana at the adult-use consumer's primary residence.
 - D. Use homegrown marijuana grown, cultivated, and processed at the adult-use consumer's primary residence;
 - E. Possess any paraphernalia or accessories that may be used in the administration of adult-use marijuana or homegrown marijuana.
- (2) This section does not authorize any person to:
- A. Cultivate, grow, or process homegrown marijuana except at the person's primary residence;
 - B. Use, cultivate, process, transfer, or transport adult-use marijuana or homegrown marijuana before reaching twenty-one years of age;
 - C. Process homegrown by hydrocarbon-based extraction;
 - D. Sell, or profit from, homegrown marijuana;
 - E. Cultivate, grow, or possess homegrown marijuana on behalf of another person.
- (3) A. No person shall knowingly cultivate, grow, or possess homegrown marijuana in a manner that violates subsection (a)(1) of this section.
- B. No person shall knowingly consume adult-use marijuana or homegrown marijuana in a public place;
- C. No person operating a public place shall knowingly permit the consumption of adult-use marijuana or homegrown marijuana in that public place.
- (4) Subject to subsection (a)(2) of this section and subsections (d)(2) and (d)(3) of this section, an adult-use consumer shall not be subject to arrest or criminal prosecution for cultivating, growing, possessing, processing, storing, or using homegrown marijuana, or possessing paraphernalia or accessories that may be used in the administration of adult-use or homegrown marijuana, in accordance with subsection (a)(1) of this section.
- (5) This subsection (a) does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of marijuana. (ORC 3796.04)
- (b) **Restrictions on Use of Marijuana.**
- (1) With respect to the methods of using medical marijuana, adult-use marijuana and home-grown marijuana, all of the following apply:
 - A. The smoking or combustion of medical marijuana is prohibited.
 - B. No person shall knowingly consume adult-use marijuana or homegrown marijuana by smoking, combustion, or vaporization or knowingly consume medical marijuana by vaporization in any place other than privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.

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- C. No person shall knowingly smoke, combust, or vaporize marijuana in any of the following:
1. A type A family child care home or type B family child care home, as those terms are defined in Ohio R.C. 5104.01;
 2. A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the Ohio Division of Parole and Community Services under Ohio R.C. 2967.14;
 3. A residential premises occupied pursuant to a rental agreement that prohibits the smoking, combustion, or vaporization of marijuana;
 4. A public place or place of employment, as those terms are defined in Ohio R.C. 3794.01.
- D. The Ohio Division of Cannabis Control may approve additional methods of using medical marijuana, other than smoking or combustion, under Ohio R.C. 3796.061.
- (2) A. Any form or method of using adult-use marijuana or medical marijuana that is considered attractive to children, as specified in rules adopted by the Ohio Division of Cannabis Control, is prohibited.
- B. Adult-use marijuana and medical marijuana shall not be dispensed or sold in a form or shape that bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.
- (3) A. Except as otherwise provided in subsection (b)(3)C. of this section, the tetrahydrocannabinol content of medical marijuana dispensed or sold to patients or caregivers shall not exceed:
1. Thirty-five percent (35%) for plant material;
 2. Seventy percent (70%) for extracts.
- B. Except as otherwise provided in subsection (b)(3)C. of this section, the tetrahydrocannabinol content of adult-use marijuana dispensed or sold to adult-use consumers shall not exceed:
1. Thirty-five percent (35%) for plant material;
 2. Seventy percent (70%) for extracts.
- C. The Ohio Division of Cannabis Control may adopt rules, in accordance with Ohio R.C. Chapter 119, that do either or both of the following:
1. Increase tetrahydrocannabinol content limits for extracts prescribed in subsections (b)(3)A. and (b)(3)B. of this section;
 2. Establish tetrahydrocannabinol content limits for adult-use and medical marijuana dispensed or sold under Ohio R.C. Chapter 3796 by content per serving or per package.
- (4) No person shall knowingly give, sell, or distribute adult-use marijuana or homegrown marijuana to a person under twenty-one years of age.
- (5) No person under the age of twenty-one shall knowingly purchase, use, or possess adult-use marijuana or homegrown marijuana.

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- (6) An adult-use consumer, medical marijuana patient, or medical marijuana caregiver shall store edible adult-use and medical marijuana products in the original packaging at all times when the products are not actively in use. (ORC 3796.06(C) - (H))
- (c) **Transportation of Marijuana.**
- (1) No person shall knowingly transport marijuana other than adult-use marijuana, medical marijuana, or homegrown marijuana in a motor vehicle.
- (2) No person shall knowingly transport medical marijuana or adult-use marijuana in a motor vehicle unless one of the following applies:
- A. The adult-use marijuana or medical marijuana is in the original, unopened packaging in which it was dispensed or sold;
 - B. If previously opened, the adult-use marijuana or medical marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.
- (3) No person shall knowingly transport homegrown marijuana in a motor vehicle unless the homegrown marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.
- (4) No person shall knowingly transport marijuana paraphernalia in a motor vehicle unless one of the following applies:
- A. The marijuana paraphernalia is in the original, unopened packaging in which it was dispensed or sold;
 - B. If previously opened, the marijuana paraphernalia is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. (ORC 3796.062)
- (d) **Rights of Adult-use Users.**
- (1) Notwithstanding any conflicting provision of the Ohio Revised Code, an adult-use consumer who obtains adult-use marijuana from a licensed dispensary may do all of the following:
- A. Use adult-use marijuana;
 - B. Possess adult-use marijuana, subject to subsection (d)(2) of this section;
 - C. Possess any paraphernalia or accessories that may be used in the administration of adult-use marijuana as specified in rules adopted under Ohio R.C. 3796.03;

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- D. Transfer adult-use and homegrown marijuana to another adult-use consumer if all of the following apply:
1. The transfer is without remuneration.
 2. The amount transferred to the same adult-use consumer in the same day does not exceed either of the following:
 - a. Two and five-tenths (2.5) ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with Ohio R.C. 3796.04;
 - b. Fifteen (15) grams of extract.
 3. The transfer occurs at privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.
- (2) No person shall knowingly possess more than the following cumulative amounts of homegrown marijuana and adult-use marijuana:
- A. Two and five-tenths (2.5) ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with Ohio R.C. 3796.04;
 - B. Fifteen (15) grams of extract.
- (3) Except as expressly authorized under subsection (d)(1)D. of this section, no person other than a license holder shall knowingly give, sell, or transfer adult-use or homegrown marijuana to any other person, with or without remuneration.
- (4) Subject to subsection (d)(2) and (d)(3) of this section, an adult-use consumer is not subject to arrest or criminal prosecution for engaging in any of the activities described in subsection (d)(1) of this section.
- (5) This section does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of marijuana. (ORC 3796.221)
- (e) **Penalties.**
- (1) A. Whoever violates subsection (b)(1)B. of this section as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to Ohio R.C. 1547.11, 4511.19, 4511.194, or 4561.15, or any substantially equivalent municipal ordinance, as applicable.
- B. Whoever violates subsection (b)(1)B. of this section as a passenger of a vehicle, streetcar, trackless trolley, watercraft, or aircraft when the operator is operating or has physical control of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is guilty of a misdemeanor of the third degree.
- (2) Except as otherwise provided in subsection (e)(1) of this section, whoever violates subsection (b)(1)B. or (b)(1)C.1., (b)(1)C.2., or (b)(1)C.4. of this section is guilty of a minor misdemeanor.
- (3) A. 1. Except as provided in subsection (e)(3)A.2. of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the first degree.
2. An offender who has previously been convicted of, or pleaded guilty to, a violation of subsection (b)(4) of this section, or any substantially similar state law or municipal ordinance, is guilty of a felony to be prosecuted under appropriate state law.

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- B. The Ohio Division of Cannabis Control shall immediately revoke the license of any license holder under Ohio R.C. Chapter 3796 who is found guilty of, or who pleads guilty or no contest to, violating subsection (b)(4) of this section.
- (4) Whoever violates subsection (d)(2) of this section is guilty of possession of marijuana under Ohio R.C. 2925.11, or any substantially equivalent municipal ordinance.
- (5) Whoever violates subsection (a)(3) of this section is guilty of illegal cultivation of marijuana under Ohio R.C. 2925.04, or any substantially equivalent municipal ordinance.
- (6) A. Except as otherwise provided in subsections (e)(6)B. to (e)(6)D. of this section, whoever violates subsection (b)(5) of this section by knowingly showing or giving false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult-use marijuana from an adult-use dispensary licensed under Ohio R.C. Chapter 3796 is guilty of a misdemeanor of the first degree.
- B. Except as otherwise provided in subsections (e)(6)C. and (e)(6)D. of this section, whoever violates subsection (b)(5) of this section by knowingly presenting to an adult-use dispensary licensed under Ohio R.C. Chapter 3796 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, is guilty of a misdemeanor of the first degree and, notwithstanding Ohio R.C. 2929.28(A)(2) or any substantially equivalent municipal ordinance, shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).
- C. 1. Except as otherwise provided in subsection (e)(6)D. of this section, an offender who has previously been convicted of or pleaded guilty to a violation of subsection (b)(5) of this section, or any substantially equivalent state law or municipal ordinance, by knowingly presenting to an adult-use dispensary licensed under Ohio R.C. Chapter 3796 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, is guilty of a misdemeanor of the first degree and, notwithstanding Ohio R.C. 2929.28(A)(2) or any substantially equivalent municipal ordinance, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000).
2. a. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit, or nonresident operating privilege, from the range specified in Ohio R.C. 4510.02(A)(7).
- b. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.

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- D. 1. An offender who has previously been convicted of or pleaded guilty to two or more violations of subsection (b)(5) of this section, or any substantially equivalent state law or municipal ordinance, by knowingly presenting to an adult-use dispensary licensed under Ohio R.C. Chapter 3796 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, is guilty of a misdemeanor of the first degree and, notwithstanding Ohio R.C. 2929.28(A)(2) or any substantially equivalent municipal ordinance, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000).
2. a. The court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years.
- b. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
- E. The financial sanctions required by subsections (e)(6)B. to (e)(6)D. of this section are in lieu of the financial sanctions described in Ohio R.C. 2929.28(A)(2) or any substantially equivalent municipal ordinance, but are in addition to any other sanctions or penalties that may apply to the offender, including other financial sanctions under that section or a jail term under Ohio R.C. 2929.24 or any substantially equivalent municipal ordinance.
- (7) A. Except as otherwise provided in subsection (e)(7)B. of this section, whoever violates subsection (b)(5) of this section by knowingly soliciting another person to purchase adult-use marijuana from an adult-use dispensary licensed under Ohio R.C. Chapter 3796 is guilty of a misdemeanor of the fourth degree.
- B. An offender who has previously been convicted of or pleaded guilty to a violation of subsection (b)(5) of this section, or any substantially equivalent state law or municipal ordinance, by knowingly soliciting another individual to purchase adult-use marijuana from an adult-use dispensary licensed under this chapter is guilty of a misdemeanor of the second degree.
- (8) Whoever violates subsection (c)(1), (c)(2), or (c)(3) of this section is guilty of a minor misdemeanor.
- (9) Whoever violates subsection (c)(4) of this section is guilty of illegal use or possession of marijuana drug paraphernalia under Ohio R.C. 2925.141, or any substantially equivalent municipal ordinance.
(ORC 3796.99(A) - (E), (G) - (J))

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513.17 PSEUDOEPHEDRINE SALES.**(a) Unlawful Purchases.**

(1) As used in subsections (a), (b), (c) and (d) of this section:

- A. "Consumer product." Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.
- B. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.
- C. "Ephedrine product." A consumer product that contains ephedrine.
- D. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.
- E. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.
- F. "Retailer." A place of business that offers consumer products for sale to the general public.
- G. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.
- H. "Terminal distributor of dangerous drugs." Has the same meaning as in Ohio R.C. 4729.01.

- (2) A. 1. No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772:
- a. Three and six tenths grams within a period of a single day;
- b. Nine grams within a period of thirty consecutive days.
2. The limits specified in subsections (a)(2)A.1.a. and (a)(2)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight.
- B. It is not a violation of subsection (b)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in subsection (a)(2)A.1.a. or (a)(2)A.1.b. of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

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- (3) A. No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product, or ephedrine product unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.
- B. Subsection (a)(3)A. of this section does not apply to an individual under eighteen years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:
1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;
2. A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;
3. A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;
4. A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.
- (4) No individual under eighteen years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.
- (5) No individual shall knowingly fail to comply with the requirements of Ohio R.C. 3715.051(B).
- (6) Whoever violates subsection (a)(2)A. of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.
- (7) Whoever violates subsection (a)(3)A. of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.
- (8) Whoever violates subsection (a)(4) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.

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- (9) Whoever violates subsection (a)(5) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree.
(ORC 2925.55)

(b) Unlawful Retail Sales.

- (1) A. 1. Except as provided in subsection (b)(1)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:
- a. Three and six tenths grams within a period of a single day;
- b. Nine grams within a period of thirty consecutive days.
2. The maximum amounts specified in subsections (b)(1)A.1.a. and (b)(1)A.1.b. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.
- B. 1. Subsection (b)(1)A. of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772.
2. It is not a violation of subsection (b)(1)A. of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in subsection (b)(1)A.1.a. or (b)(1)A.1.b. of this section under either of the following circumstances:
- a. The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;
- b. A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in Ohio R.C. 3715.052(A)(2).

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- (2) A. Except as provided in subsection (b)(2)B. of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under eighteen years of age.
- B. Subsection (b)(2)A. of this section does not apply to any of the following:
1. A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age and whose conduct is in accordance with Ohio R.C. Chapter 3719, 4715, 4723, 4729, 4730, 4731, 4741 or 4772;
 2. A parent or guardian of an individual under eighteen years of age who provides a pseudoephedrine product or ephedrine product to the individual;
 3. A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age;
 4. The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under eighteen years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.
- (3) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of Ohio R.C. 3715.051(A) or Ohio R.C. 3715.052(A)(2).
- (4) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of Ohio R.C. 3715.052(A)(1).
- (5) Whoever violates subsection (b)(1)A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.
- (6) Whoever violates subsection (b)(2)A. of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree.
- (7) Whoever violates subsection (b)(3) of this section is guilty of improper sale of a pseudoephedrine product or ephedrine product, a misdemeanor of the second degree.
- (8) Whoever violates subsection (b)(4) of this section is guilty of failing to submit information to the national precursor log exchange, a misdemeanor for which the offender shall be fined not more than one thousand dollars (\$1,000) per violation. (ORC 2925.56)
- (c) Transaction Scans.
- (1) For the purpose of this subsection and subsection (d) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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- 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 any pseudoephedrine product or ephedrine product from the seller, agent or employee.
- B. "Identification card" has the same meaning as in Ohio R.C. 2927.021.
- C. "Seller." A retailer or terminal distributor of dangerous drugs.
- 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 any pseudoephedrine product or ephedrine product.
- E. "Transaction scan device." Has the same meaning as in Ohio R.C. 2927.021.
- (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 a pseudoephedrine product or ephedrine product.
- B. If the information deciphered by the transaction scan performed under subsection (c)(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 pseudoephedrine product or ephedrine product to the card holder.
- C. Subsection (c)(2)A. of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away or otherwise distributing a pseudoephedrine product or ephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.
- (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 (c) and subsection (d) 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 the following:
1. The name, address, and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;
 2. The expiration date, identification number, and issuing agency of the driver's or commercial driver's license or identification card presented by a 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 (c)(4)A. of this section except for purposes of subsection (d) of this section, Ohio R.C. 2925.58, or Ohio R.C. 3715.052(A)(1).

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- 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 (d) of this section or any other section of the Ohio Revised Code.
- (5) Nothing in this subsection (c) or subsection (d) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of pseudoephedrine products or ephedrine products.
- (6) Whoever violates subsection (c)(2)B. or (c)(4) of this section is guilty of engaging in an illegal pseudoephedrine product or ephedrine 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 2925.57)
- (d) 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 (b) of this section in which the age of the purchaser or other recipient of a pseudoephedrine product 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 a pseudoephedrine product 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 pseudoephedrine product was 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 (d)(1) of this section, the trier of fact in the action for the alleged violation of subsection (b) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (b) of this section. For purposes of subsection (d)(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 a pseudoephedrine product is eighteen years of age or older;

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- 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 (d)(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 through 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 2925.58)
- (e) Retailer's Duties.
- (1) As used in subsections (e) and (f) of this section:
- A. "Consumer product." Any food or drink that is consumed or used by humans and any drug, including a drug that may be provided legally only pursuant to a prescription, that is intended to be consumed or used by humans.
 - B. "Drug." Has the same meanings as in Ohio R.C. 4729.01.
 - C. "Ephedrine." Any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.
 - D. "Ephedrine product." A consumer product that contains ephedrine.
 - E. "Law enforcement official." An officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by the law to investigate or conduct an official inquiry into a potential violation of law or prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.
 - F. "Licensed health professional authorized to prescribe drugs." Has the same meanings as in Ohio R.C. 4729.01.
 - G. "National Precursor Log Exchange" or "Exchange." The electronic system for tracking sales of pseudoephedrine products and ephedrine products on a national basis that is administered by the National Association of Drug Diversion Investigators or a successor organization.
 - H. "Pharmacist." A person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
 - I. "Pharmacy." Has the same meanings as in Ohio R.C. 4729.01.
 - J. "Prescriber." Has the same meanings as in Ohio R.C. 4729.01.
 - K. "Prescription." Has the same meanings as in Ohio R.C. 4729.01.
 - L. "Proof of age." 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 a person is eighteen years of age or older.
 - M. "Pseudoephedrine." Any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.
 - N. "Pseudoephedrine product." A consumer product that contains pseudoephedrine.
 - O. "Retailer." A place of business that offers consumer products for sale to the general public.

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- P. "Single-ingredient preparation." A compound, mixture, preparation, or substance that contains a single active ingredient.
- Q. "Stop-sale alert." A notification sent from the national precursor log exchange to a retailer or terminal distributor of dangerous drugs indicating that the completion of a sale of a pseudoephedrine product or ephedrine product would result in a violation of Ohio R.C. 2925.56(A)(1) or federal law.
- R. "Terminal distributor of dangerous drugs." Has the same meanings as in Ohio R.C. 4729.01.
- S. "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
- (2) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:
- A. Segregate pseudoephedrine products or ephedrine products from other merchandise so that no member of the public may procure or purchase such products without the direct assistance of a pharmacist or other authorized employee of the retailer or terminal distributor of dangerous drugs.
- B. With regard to each time a pseudoephedrine product or ephedrine product is sold or otherwise provided without a valid prescription:
- Determine, by examination of a valid proof of age, that the purchaser or recipient is at least eighteen years of age;
 - Using any information available, including information from the national precursor log exchange if the information is accessible, make a reasonable attempt to ensure that no individual purchases or receives an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:
 - Three and six tenths grams within a period of a single day;
 - Nine grams within a period of thirty consecutive days.
 - The maximum amounts specified in subsections (e)(2)B.2.a.i. and (e)(2)B.2.a.ii. of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.
- C. Maintain a log book of pseudoephedrine product or ephedrine product purchases, in accordance with Ohio R.C. 3715.051;
- D. If required to comply with section Ohio R.C. 3715.052, submit the information specified in subsections (A)(1)(a) to (A)(1)(d) of that section to the national precursor log exchange.
- (3) Prescriptions, orders, and records maintained pursuant to this section and stocks of pseudoephedrine products and ephedrine products shall be open for inspection to federal, state, county, and municipal officers, and employees of the State Board of Pharmacy whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. Such prescriptions, orders, records, and stocks shall be open for inspection by the State Medical Board and its employees for purposes of enforcing Ohio R.C. Chapter 4731. (ORC 3715.05)

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(f) Theft or Loss: Reporting Requirements.

- (1) Each retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler that sells, offers to sell, holds for sale, delivers or otherwise provides any pseudoephedrine product and that discovers the theft or loss of any pseudoephedrine product in an amount of more than nine grams per incident of theft or loss shall notify all of the following upon discovery of the theft or loss:
- A. The State Board of Pharmacy, by telephone immediately upon discovery of the theft or loss;
- B. Law enforcement authorities. If the incident is a theft and the theft constitutes a felony, the retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall report the theft to the law enforcement authorities in accordance with Ohio R.C. 2921.22.
- (2) Within thirty days after making a report by telephone to the State Board of Pharmacy pursuant to subsection (f)(1)A. of this section, a retailer, terminal distributor of dangerous drugs, pharmacy, prescriber or wholesaler shall send a written report to the State Board of Pharmacy.
- (3) The reports required under this section shall identify the product that was stolen or lost, the amount of the product stolen or lost, and the date and time of discovery of the theft or loss. (ORC 3715.06)

513.99 PENALTY.

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

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- (g) "Charitable bingo game" means any bingo game described in subsections (b)(1) or (2) hereof that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.
- (h) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and is a charitable organization as defined in this section. The term does not include a charitable organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3) and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to Section 517.14.
- (i) "Charitable organization" means:
- Except as otherwise provided in this chapter, "charitable organization" means either of the following:
 - An organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(c)(3);
 - A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10) or 501(c)(19).
 - To qualify as a charitable organization, an organization shall have been in continuous existence as such in this state for a period of two (2) years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided Section 517.02(d).
- (j) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
- Any organization that is described in IRC 509(a)(1), 509(a)(2), or 509(a)(3) and is either a governmental unit or an organization that is tax exempt under IRC 501(a) and described in IRC 501(c)(3);
 - A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five percent (75%) of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), is used for awarding scholarships to or for attendance at an institution mentioned in that division of the Ohio Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

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- (3) A fraternal organization that has been in continuous existence in this state for fifteen (15) years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under IRC 170;
- (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of "volunteer firefighter's organization" in this section.
- (k) "Community action agency" has the same meaning as in Ohio R.C. 5101.311.
- (l) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.
- (m) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.
- (n) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:
- Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;
 - Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.
- (o) "Electronic bingo aid" means:
- An electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
 - It provides a means for a participant to input numbers and letters announced by a bingo caller.
 - It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
 - It identifies a winning bingo pattern.
 - The term does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (p) "Electronic instant bingo" means:
- A form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:
 - Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.
 - Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.
 - Each electronic instant bingo ticket within a deal is sold for the same price.
 - After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

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- (f) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States.
- (g) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.
- (h) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party" and "political contributing entity" have the same meanings as in Ohio R.C. 3517.01.
- (i) "Provider agreement" and "medical assistance program" have the same meanings as in Ohio R.C. 2913.40. (ORC 2921.01)

525.02 FALSIFICATION.

- (a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:
- (1) The statement is made in any official proceeding.
 - (2) The statement is made with purpose to incriminate another.
 - (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
 - (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance as defined in Ohio R.C. 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.
 - (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.
 - (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
 - (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
 - (8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.
 - (9) The statement is made with purpose to commit or facilitate the commission of a theft offense.
 - (10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.
 - (11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.
 - (12) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

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- (13) The statement is required under Ohio R.C. 5743.71 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.
- (14) The statement is made to the Department of Children and Youth in connection with the Ohio Adoption Grant Program for the purpose of qualifying for or obtaining an adoption grant under Ohio R.C. 5180.45 to 5180.454.
- (b) It is no defense to a charge under subsection (a)(6) hereof that the oath or affirmation was administered or taken in an irregular manner.
- (c) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.
- (d) (1) Whoever violates any provision of subsection (a)(1) to (8) or (10) to (13) hereof is guilty of falsification, a misdemeanor of the first degree.
- (2) Whoever violates subsection (a)(9) hereof is guilty of falsification in a theft offense, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars (\$1,000) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State law.
- (e) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this section. A civil action under this section is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section. (ORC 2921.13)

525.03 IMPERSONATION OF PEACE OFFICER.

- (a) As used in this section:
- (1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation or township constable who is employed by a political subdivision of this State; a member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D); a member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y); a State university law enforcement officer appointed under Ohio R.C. 3345.04; a veterans' home police officer appointed under Ohio R.C. 5907.02; a special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28; an officer, agent, or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within limits of that statutory duty and authority; or a State highway patrol trooper whose primary duties are to preserve the peace, to protect life and property and to enforce the laws, ordinances or rules of the State or any of its political subdivisions.
 - (2) "Private police officer" means any security guard, special police officer, private detective or other person who is privately employed in a police capacity.

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- (3) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.
- (4) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.
- (5) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(b) No person shall impersonate a peace officer, private police officer, federal law enforcement officer or investigator of the Bureau of Criminal Identification and Investigation.

(c) No person, by impersonating a peace officer, private police officer, federal law enforcement officer, or investigator of the Bureau of Criminal Identification and Investigation, shall arrest or detain any person, search any person or search the property of any person.

(d) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, private police officer, federal law enforcement officer, an officer, agent or employee of the State or the Municipality or investigator of the Bureau of Criminal Identification and Investigation.

(e) It is an affirmative defense to a charge under subsection (b) hereof that the impersonation of the peace officer was for a lawful purpose.

(f) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (c) or (d) hereof is guilty of a misdemeanor of the first degree. If the purpose of a violation of subsection (d) hereof is to commit or facilitate the commission of a felony, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 2921.51)

525.04 COMPOUNDING A CRIME.

(a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(b) It is an affirmative defense to a charge under this section when both of the following apply:

- (1) The pending prosecution involved is for violation of Sections 545.05, 545.07, 545.09 or 545.10(b)(2), or Ohio R.C. 2913.02, 2913.11, 2913.21(B)(2) or 2913.47, of which the actor under this section was the victim.
- (2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him as restitution for the loss caused him by the offense.

(c) When a prosecuting witness abandons or agrees to abandon a prosecution under subsection (b) hereof, the abandonment or agreement in no way binds the State or Municipality to abandoning the prosecution.

(d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (ORC 2921.21)

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525.05 FAILURE TO REPORT A CRIME, INJURY OR KNOWLEDGE OF DEATH.

- (a) (1) Except as provided in subsection (a)(2) hereof, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.
- (2) No person, knowing that a violation of division (B) of Ohio R.C. 2913.04 has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(b) Except for conditions that are within the scope of subsection (c) of this section, no person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the person, or any serious physical harm to persons that the person knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician or advanced practice registered nurse whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained. For purposes of this subsection (c), "advanced practice registered nurse" does not include a certified registered nurse anesthetist.

(d) No person shall fail to provide upon request of the person to whom a report required by subsection (c) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

- (e) (1) As used in this subsection, "burn injury" means any of the following:
- A. Second or third degree burns;
 - B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;
 - C. Any burn injury or wound that may result in death;
 - D. Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by Ohio R.C. 3743.01.
- (2) No physician, nurse, physician assistant, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

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- (4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;
- (5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a person who is blind, deaf or hearing impaired, or a person with a mobility impairment or that the person knows is an assistance dog.
- (e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog or horse. If the violation results in physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the police dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (b) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.
- (3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.
- (4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

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- (5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:
- A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of subsection (a) or (b) of this section or by the person who is blind, deaf or hearing impaired, or the person with a mobility impairment assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;
- B. The cost of any damaged equipment that results from the violation;
- C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the person who is blind, deaf or hearing impaired, or the person with a mobility impairment assisted or served by the assistance dog;
- D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the person who is blind, deaf or hearing impaired, or the person with a mobility impairment assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.
- (f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.
- (g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.
- (h) As used in this section:
- (1) "Assistance dog", "blind", and "person with a mobility impairment" have the same meanings as in Ohio R.C. 955.021.
- (2) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.
- (3) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.
- (4) "Serious physical harm" means any of the following:
- A. Any physical harm that carries a substantial risk of death;
- B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;
- C. Any physical harm that causes acute pain of a duration that results in substantial suffering.
- (ORC 2921.321)

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- (2) Has an indoor sales floor area of not less than twenty-two thousand square feet;
- (3) Hosts a farmer's market on each Saturday from April through December. (ORC 4301.62)
- (h) (1) As used in this section, "alcoholic beverage" has the same meaning as in Ohio R.C. 4303.185.
- (2) An alcoholic beverage in a closed container being transported under Ohio R.C. 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing. (ORC 4301.62)
- (i) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with Ohio R.C. 4301.201(E). (ORC 4301.62)
- (j) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4301.99(A))

529.08 HOURS OF SALE OR CONSUMPTION.

- (a) This section shall apply to the retail sale of beer, wine, mixed beverages, or spirituous liquor.
- (b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-1c, A-2, A-2f, A-3a, A-5, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, F-10, F-11, G or I permit holder:
- (1) From Monday to Saturday between the hours of 1:00 a.m. and 5:30 a.m.
- (2) On Sunday between the hours of 1:00 a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.
- (c) No beer, wine, mixed beverages, or spirituous liquid shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5G, D-5H, D-5I, D-5J, D-5K, D-5L, D-5m, D-5n, D-5o, or D-7 permit holder:
- (1) From Monday to Saturday between the hours of 2:30 a.m. and 5:30 a.m.
- (2) On Sunday between the hours of 2:30 a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages or spirituous liquor for on-premises consumption.
- (d) Permit holders authorized to sell beer, wine, mixed beverages, or spirituous liquor at retail who are not specifically identified in subsection (b) or (c) above shall be subject to the provisions of subsection (b), unless statutorily authorized otherwise.

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- (e) The hours on Sunday during which sales, delivery, or consumption of alcoholic beverages may take place are established by statute, but in no event shall they begin prior to 5:30 a.m. (OAC 4301:1-1-49)
- (f) Whoever violates this section is guilty of a minor misdemeanor.
- 529.09 ALCOHOLIC BEVERAGES ON CITY PROPERTY; LICENSE REQUIRED.**
- (a) No person, firm or corporation shall possess, possess for sale, sell or consume alcoholic beverages on property owned or leased by the City, unless such person, firm or corporation has in its possession a valid license issued for such purposes by Council.
- (b) For purposes of this section, the phrase "owned or leased by the City" means all real and personal property in which the title of the same is vested in the City or is leased by the City. "Alcoholic beverage" means and includes all beverages containing any quantity of alcohol.
- (c) Any person, firm or corporation desiring to obtain a license for the possession, sale and consumption of alcoholic beverages, on property owned or leased by the City, is hereby required to submit a written application setting forth the following:
- (1) The name of the applicant.
- (2) If a corporation, partnership or association, the name and address of the principal officers or individuals.
- (3) The purpose for which the permit is sought.
- (4) The area proposed to be used.
- (5) The time sought for use.
- (6) The disposition of proceeds of the sale.
- (d) If Council determines that it is just and proper to issue such license, a fee shall be set, which shall not exceed two hundred fifty dollars (\$250.00), and which may be waived by Council if the applicant is a corporation not for profit, and for charitable or civic products. No license shall be issued for a period longer than twenty-four consecutive hours.
- (e) Whoever violates this section is guilty of a minor misdemeanor.

529.10 PERMITTING ROWDYISM AND EXCESSIVE NOISE.

- (a) No person, firm or corporation owning or operating a restaurant, hotel, club, night club or other place where beer, wine and/or spirituous liquors are permitted to be sold under the authority of the Liquor Control Act of Ohio within the City, or other person representing such owner or operator shall permit or allow any riotous, noisy or disorderly person to frequent such restaurant, hotel, club, night club or other such place, or resort therein, or allow any boisterous, noisy or disorderly conduct therein or thereabouts at any time, or allow any singing or music of any kind or character after 12:00 midnight, which disturbs or annoys the neighborhood or the public.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

529.99 PENALTY.

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

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- (2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:
- The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.
 - The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

(e) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.

(f) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles, except as otherwise provided in this subsection, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, a violation of this section is a felony and shall be prosecuted under appropriate State law. (ORC 2907.31)

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

(a) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles shall do either of the following:

- Falsely represent that he is the parent, guardian or spouse of such juvenile;
- Furnish such juvenile with any identification or document purporting to show that such juvenile is eighteen years of age or over or married.

(b) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:

- Falsely represent that he is eighteen years of age or over or married;
- Exhibit any identification or document purporting to show that he is eighteen years of age or over or married.

(c) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates subsection (b) hereof shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Ohio R.C. Chapter 2151. (ORC 2907.33)

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

(a) No person who has custody, control or supervision of a commercial establishment, with knowledge of the character or content of the material involved, shall display at the establishment any material that is harmful to juveniles and that is open to view by juveniles as part of the invited general public.

(b) It is not a violation of subsection (a) hereof if the material in question is displayed by placing it behind "blinder racks" or similar devices that cover at least the lower two-thirds of the material, if the material in question is wrapped or placed behind the counter, or if the material in question otherwise is covered or located so that the portion that is harmful to juveniles is not open to the view of juveniles.

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(c) Whoever violates this section is guilty of displaying matter harmful to juveniles, a misdemeanor of the first degree. Each day during which the offender is in violation of this section constitutes a separate offense. (ORC 2907.311)

533.14 UNLAWFUL ADVERTISING OF MESSAGE.

(a) No person, by means of a statement, solicitation, or offer in a print or electronic publication, sign, placard, storefront display, or other medium, shall advertise massage, relaxation massage, any other massage technique or method, or any related service, with the suggestion or promise of sexual activity.

(b) Whoever violates this section is guilty of unlawful advertising of massage, a misdemeanor of the first degree.

(c) Nothing in this section prevents the legislative authority of a municipal corporation or township from enacting any regulation of the advertising of massage further than and in addition to the provisions of subsections (a) and (b) of this section. (ORC 2927.17)

533.15 DISSEMINATION OF PRIVATE SEXUAL IMAGES.

(EDITOR'S NOTE: Former Section 533.15 has been deleted because the underlying offense is now a felony under State law.)

533.16 GROOMING.

(a) As used in this section, "pattern of conduct" has the same meaning as in Ohio R.C. 2903.211.

(b) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor who is less than sixteen years of age and who is four or more years younger than the person, when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

- Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;
- Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

(c) No person who is eighteen years of age or older shall engage in a pattern of conduct with a minor if the person and the minor are in any of the relationships described in Ohio R.C. 2907.03(A)(5) to (A)(13), when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:

- Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person;
- Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07.

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

- Except as otherwise provided in this division, a violation of subsection (b) of this section is a misdemeanor of the second degree. If the victim of the offense is less than thirteen years of age or if the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law. If the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense and the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.
- Except as otherwise provided in this subsection, a violation of subsection (c) of this section is a misdemeanor of the first degree. If the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age or if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law. If the victim of the offense is less than thirteen years of age and if the offender previously has been convicted of or pleaded guilty to a violation of this section or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim of the offense, a violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law.

(e) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of this code or the Ohio Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of this code or the Ohio Revised Code may be prosecuted under this section, the other section of this code or the Revised Code, or both sections. (ORC 2907.071)

533.99 PENALTY.

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

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- (ii) "Police dog or horse" has the same meaning as in Ohio R.C. 2921.321.
- (jj) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this subsection. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.
- (kk) "Assistance dog" has the same meaning as in Ohio R.C. 955.021.
- (ll) "Active duty service member" means any member of the armed forces of the United States performing active duty under Title 10 of the United States Code. (ORC 2913.01)

545.02 DETERMINING PROPERTY VALUE IN THEFT OFFENSE.

(a) If more than one item of property or service is involved in a theft offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property or services involved in the offense.

- (b) (1) When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06, or 545.08, 545.10(b)(1) or (2), or Section 545.15 or 545.20 involving a victim who is an elderly person or disabled adult, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Sections 545.05 or 545.15 involving a victim who is an active duty service member or spouse of an active duty service member is committed by the offender in the offender's same employment, capacity or relationship to another, all of those offenses shall be tried as a single offense. The value of the property or services involved in the series of offenses for the purpose of determining the value is the aggregate value of all property and services involved in all offenses in the series.
- (2) If an offender commits a series of offenses under Section 545.05 that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06 or 545.08, Section 545.10(b)(1) or (2), or Section 545.15 or 545.20, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05 or 545.15, whether committed against one victim or more than one victim, involving a victim who is an active duty service member or spouse of an active duty service member pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property and services involved in all of the offenses in the course of conduct.

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- (3) In prosecuting a single offense under subsection (b)(1) or (2), it is not necessary to separately allege and prove each offense in the series. Rather, it is sufficient to allege and prove that the offender, within a given span of time, committed one or more theft offenses in the offender's same employment, capacity, or relationship to another as described in subsection (b)(1) of this section or that involve a common course of conduct to defraud multiple victims or a scheme or course of conduct as described in subsection (b)(2) of this section. While it is not necessary to separately allege and prove each offense in the series in order to prosecute a single offense under subsection (b)(1) or (2) hereof, it remains necessary in prosecuting them as a single offense to prove the aggregate value of the property or services in order to meet the requisite statutory offense level sought by the prosecution.
- (c) The following criteria shall be used in determining the value of property or services involved in a theft offense:
 - (1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that has intrinsic worth to its owner and that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, is the amount that would compensate the owner for its loss.
 - (2) The value of personal effects and household goods, and of materials, supplies, equipment and fixtures used in the profession, business, trade, occupation or avocation of its owner, which property is not covered under subsection (c)(1) hereof, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing the property with new property of like kind and quality.
 - (3) The value of any real or personal property that is not covered under subsections (c)(1) or (2) hereof, and the value of services, is the fair market value of the property or services. As used in this section, "fair market value" is the money consideration that a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.
- (d) Without limitation on the evidence that may be used to establish the value of property or services involved in a theft offense:
 - (1) When the property involved is personal property held for sale at wholesale or retail, the price at which the property was held for sale is prima-facie evidence of its value.
 - (2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest market quotation prior to the offense, is prima-facie evidence of the value of the security or commodity.
 - (3) When the property involved is livestock, poultry or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima-facie evidence of the value of the livestock, poultry or products.
 - (4) When the property involved is a negotiable instrument, the face value is prima-facie evidence of the value of the instrument.

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CHAPTER 549
Weapons and Explosives

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|---|---|
| 549.01 Definitions. | 549.12 Storage of explosives; blasting permit required. (Repealed) |
| 549.02 Carrying concealed weapons. | 549.13 Possessing replica firearm in school. |
| 549.03 Using weapons while intoxicated. | 549.14 Falsification of concealed handgun license; possessing a revoked or suspended concealed handgun license. |
| 549.04 Improperly handling firearms in a motor vehicle. | 549.15 Defacing identification marks of a firearm; possessing a defaced firearm. |
| 549.05 Failure to secure dangerous ordnance. | 549.16 Concealed handgun licenses; possession of revoked or suspended license; additional restrictions; posting signs prohibiting possession. |
| 549.06 Unlawful transactions in weapons. | 549.99 Penalty. |
| 549.07 Underage purchase of firearm. | |
| 549.08 Discharging firearms. | |
| 549.09 Unlawful use of air guns. (Repealed) | |
| 549.10 Possession of certain weapons prohibited. (Repealed) | |
| 549.11 Use of cross bows, bow and arrows prohibited. | |

CROSS REFERENCES

See sectional histories for similar State law
License or permit to possess dangerous ordnance - see Ohio R.C. 2923.18
Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)
Property destruction by tear gas device, etc. - see GEN. OFF. 541.04

549.01 DEFINITIONS.

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.
- (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (c) "Handgun" means any of the following:
 - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
 - (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.

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- (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3); but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (g) "Zip-gun" means any of the following:
 - (1) Any firearm of crude and extemporized manufacture;
 - (2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;
 - (3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
 - (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
 - (2) Any explosive device or incendiary device;
 - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, peacetol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
 - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - (5) Any firearm muffler or suppressor;
 - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.
- (l) "Dangerous ordnance" does not include any of the following:
 - (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

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- (1) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
- (2) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of subsection (a)(1) hereof is a misdemeanor of the second degree. A violation of subsection (a)(2) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

549.07 UNDERAGE PURCHASE OF FIREARM.

(a) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(b) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this subsection does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if either of the following apply:

- (1) The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.
- (2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(c) Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree. (ORC 2923.211)

549.08 DISCHARGING FIREARMS.

(a) No person shall unlawfully discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the City.

(b) This section does not apply when firearms are used in self-defense, in the discharge of official duty, or when otherwise lawfully authorized.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 2222-26. Passed 2-12-26.)

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549.09 UNLAWFUL USE OF AIR GUNS. (REPEALED)

(EDITOR'S NOTE: Former Section 549.09 is repealed by Ordinance 2222-26, passed February 12, 2026.)

549.10 POSSESSION OF CERTAIN WEAPONS PROHIBITED. (REPEALED)

(EDITOR'S NOTE: Former Section 549.10 is repealed by Ordinance 2222-26, passed February 12, 2026.)

549.11 USE OF CROSS BOWS, BOW AND ARROWS PROHIBITED.

(a) No person shall discharge any bow and arrow, not designed or intended as a child's toy, or a cross bow within the corporate limits of the City. A child's toy shall be any bow that takes less than eight (8) pounds of pull force for normal operation of the bow, and the arrows shall have rubber or other soft tips for safety.

(b) This section shall not apply to the use of such items in any bona fide ranges or sportsman clubs in the City. This section shall not prohibit use of such items in self-defense. This section shall not apply to the use of cross bows or bows and arrows for hunting within the City provided a permit is first obtained from the City Manager and provided any such hunting shall be in accordance with all applicable laws, rules, and regulations of the State of Ohio and the Ohio Division of Wildlife.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 1093-94. Passed 11-10-94; Ord. 2222-26. Passed 2-12-26.)

549.12 STORAGE OF EXPLOSIVES; BLASTING PERMIT REQUIRED. (REPEALED)

(EDITOR'S NOTE: Former Section 549.12 is repealed by Ordinance 2222-26, passed February 12, 2026.)

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549.13 POSSESSING REPLICA FIREARM IN SCHOOL.

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

- (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
- (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

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

- A. An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties;
- B. A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance;
- C. A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment;

- D. 1. Any person not described in subsections (b)(1)A. to (b)(1)C. of this section who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, provided both of the following apply:

a. Either the person has successfully completed the curriculum, instruction, and training established under Ohio R.C. 5502.703, or the person has received a certificate of having satisfactorily completed an approved basic peace officer training program or is a law enforcement officer;

- b. The board or governing body has notified the public, by whatever means the affected school regularly communicates with the public, that the board or governing body has authorized one or more persons to go armed within a school operated by the board or governing authority;

2. A district board or school governing body that authorizes a person under subsection (b)(1)D. of this section shall require that person to submit to an annual criminal records check conducted in the same manner as Ohio R.C. 3319.39 or Ohio R.C. 3319.391.

- E. Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (b)(1)E. of this section does not apply to the person.

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- (2) This section does not apply to premises upon which home schooling is conducted. This section also does not apply to a school administrator, teacher or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher or employee, or any other person who, with the express prior approval of a school administrator, possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.

- (3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

- A. The person does not enter into a school building or onto school premises and is not at a school activity.
- B. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
- C. The person is in the school safety zone in accordance with 18 U.S.C. § 922(q)(2)(B).
- D. The person is not knowingly in a place described in Ohio R.C. 2923.126(B)(1) or (B)(3) to (8).

- (4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

- A. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
- B. The person leaves the handgun in a motor vehicle.
- C. The handgun does not leave the motor vehicle.
- D. If the person exits the motor vehicle, the person locks the motor vehicle.

(c) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate state law.

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- (d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in Ohio R.C. 4510.02(A)(4) and shall deny the offender the issuance of any permit or license of that type during the period of the suspension. If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in Ohio R.C. 4510.02(A)(4).
- (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in subsection (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in subsection (d)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.
- (c) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm. (ORC 2923.122(C) - (G))

549.14 FALSIFICATION OF CONCEALED HANDGUN LICENSE; POSSESSING A REVOKED OR SUSPENDED CONCEALED HANDGUN LICENSE.

- (a) No person shall alter a concealed handgun license or create a fictitious document that purports to be a license of that nature.
- (b) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.
- (c) Whoever violates division (a) of this section is guilty of falsification of a concealed handgun license, a felony of the fifth degree. Whoever violates division (b) of this section is guilty of possessing a revoked or suspended concealed gun license, a misdemeanor of the third degree. (ORC 2923.1211; Ord. 2222-26. Passed 2-12-26.)

549.15 DEFAACING IDENTIFICATION MARKS OF A FIREARM; POSSESSING A DEFACED FIREARM.

- (a) No person shall do either of the following:
- (1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark or identification on a firearm.
 - (2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

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- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this subsection, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(1) of this section, defacing identification marks of a firearm is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this subsection, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, possessing a defaced firearm is a felony and shall be prosecuted under appropriate State law. (ORC 2923.201)

549.16 CONCEALED HANDGUN LICENSES; POSSESSION OF REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING SIGNS PROHIBITING POSSESSION.

- (a) **Possession of a Revoked or Suspended Concealed Handgun License.**
- (1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.
 - (2) Whoever violates this subsection (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree. (ORC 2923.1211(B), (C))
- (b) **Additional Restrictions.** Pursuant to Ohio R.C. 2923.126:
- (1) A concealed handgun license that is issued under Ohio R.C. 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in subsection (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.
 - (2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under Ohio R.C. 2923.12(B) or in any manner prohibited under Ohio R.C. 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:
 - A. A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.14(A) or Ohio R.C. 5123.03(A)(1);

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CHAPTER 761 Massage Establishments

761.01 Purpose and intent.	761.07 Prohibitions.
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761.03 Registration certificate required.	761.09 Administrative appeal.
761.04 Registration process and fee.	761.10 Severability.
761.05 Registration expiration, renewal, and duty to update.	761.99 Penalty.
761.06 Requirements for massage establishments and mobile massage practitioners.	

CROSS REFERENCES
Obscenity and sex offenses - see GEN. OFF. Ch. 533

761.01 PURPOSE AND INTENT.

(a) The State of Ohio, through the State Medical Board of Ohio, regulates the practice of massage therapy as a limited branch of medicine by requiring practitioners to satisfy education, character, and examination requirements to obtain a license to practice massage therapy. Although licensed massage therapists are subject to a national code of ethics and standards of practice, the City Council finds that for some massage establishments, the business in fact is sexual conduct or the intimation of sexual conduct, including human trafficking, rather than lawful massage therapy. Such illegal uses are contrary to the public health, safety, and welfare.

(b) It is a purpose and intent of this chapter to impose licensing requirements to help prevent illegal massage, prostitution, and related sex crimes, yet without hindering legitimate massage establishments operating under a business structure with external oversight that serves that purpose. It is a purpose of this chapter to regulate the operation of massage establishments and spa establishments, and to regulate employees of such establishments who are not licensed as massage therapists by the state, as an exercise of the City's police power in order to protect the health, safety and general welfare of the citizens of the City. (Ord. 2225-26. Passed 2-26-26.)

761.02 DEFINITIONS.

For the purposes of this chapter, the words and phrases defined in the sections hereunder shall have the meanings respectively ascribed to them herein unless a different meaning is clearly indicated by the context:

- (a) "Client" means a person who receives a massage treatment for a fee or any consideration whatsoever.

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- (b) "Director" means the City of Moraine Building and Zoning Administrator or the Director's designee.
- (c) "Draping" means non-transparent linen, towel, or other opaque cloth which securely covers a client's specified anatomical areas by folding, tucking or fastening.
- (d) "Employee" means any person who is employed by, or renders any service at, a massage establishment for compensation. "Employee" includes a contract employee, freelance employee, temporary employee, or an independent contractor.
- (e) "Exempt" means a person who provides massage as a portion of and incidental to services in accordance with a license issued by any of the following:
- (1) The Ohio State Cosmetology and Barber Board or its predecessors pursuant to R.C. Chapter 4709 to 4713;
 - (2) The State of Ohio Board of Nursing pursuant to R.C. Chapter 4723;
 - (3) The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board pursuant to R.C. Chapter 4755;
 - (4) The Ohio State Chiropractic Board pursuant to R.C. Chapter 4734;
 - (5) The State Medical Board of Ohio pursuant to R.C. Chapters 4730 to Chapter 4762;
 - (6) The State Medical Board of Ohio pursuant to R.C. Chapter 4731 except those licensed pursuant to R.C. § 4731.15 to practice "massage therapy."
 - (7) Schools, colleges, or institutions approved by and determined to be in good standing with the State Medical Board of Ohio that have the massage therapy curriculum required for students to become massage therapists upon course completion and the students enrolled in such schools, colleges, or institutions.
- (f) "Incidental" shall have the meaning as ascribed in Chapter 1230 of these Codified Ordinances.
- (g) "License" means a massage practitioner license issued by the State Medical Board of Ohio to practice "massage therapy" pursuant to and in accordance with R.C. § 4731.15.
- (h) "Massage" means the use of any method on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, pressing, compressing, percussing, stretching, rotating, heating, cooling, or stimulating of, the external soft parts of a living human body, which may be performed with direct or indirect human contact, or with the aid of an apparatus, appliance, or other tool or object. The term also includes tub, shower, or cabinet baths; as well as oil rubs; liniments; antiseptics; powders; creams; lotions; ointments; alcohol rubs; salt glows; hot or cold packs, liquids, or solid objects; or other similar types of substances; upon the external soft parts of a living human body which may be applied by direct or indirect human contact, or with the aid of any electrical, mechanical, or vibratory apparatus, appliance, or other tool or object.
- (i) "Massage establishment" means any establishment having a fixed place of business where any person engages in, conducts, carries on, or permits for consideration, massage and massage treatments; including but not limited to, any hot tub/sauna, relaxation, spas, or tanning establishments in which massage treatments are made available to members of the public.
- (j) "Massage school" means a facility which meets the minimum standards for training and curriculum as determined by Section 4731-1-15 of the Ohio Administrative Code, or the equivalent licensing authority of another state, or is within the public school system of this state.

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- (k) "Massage therapist" means any person who has a license in good standing as a massage therapist from the State Medical Board of Ohio.
- (l) "Massage treatment" means providing for a fee or any consideration whatsoever any of the following services:
 - (1) Massage;
 - (2) A method of treatment that involves the application of oil rubs; liniments; antiseptics; powders; creams; lotions; ointments; alcohol rubs; salt glows; hot or cold packs, liquids, or solid objects; or other similar types of substances; upon the external soft parts of a living human body which may be applied by direct or indirect human contact, or with the aid of any electrical, mechanical, or vibratory apparatus, appliance, or other tool or object.
- (m) "Mobile massage" means an activity not having a fixed place of business where a person or entity advertises the availability of, offers, provides, or permits to be carried on, any activity related to or including the provision of a massage treatment. "Mobile massage" includes outcall or traveling "massage treatment" and can be separated into two different categories: corporate or residential.
- (n) "Person" means any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.
- (o) "Registration certificate" means a certificate of registration issued by the City of Moraine to a massage establishment or mobile massage therapist.
- (p) "Specified anatomical area", "state of nudity", and "state of semi-nudity" shall have the meaning ascribed to them in Chapter 1299 of these Codified Ordinances. (Ord. 2225-26. Passed 2-26-26.)

761.03 REGISTRATION CERTIFICATE REQUIRED.

Within ninety days of the effective date of this chapter, all massage establishments and mobile massage practitioners operating in the City of Moraine shall obtain a registration certificate for a massage establishment to operate. No person shall operate a massage establishment, offer or perform massage treatment, or practice mobile massage without a registration certificate. Massage establishments operating in the City of Moraine shall meet the following licensing and registration requirements:

- (a) No person shall operate a massage establishment in the City of Moraine:
 - (1) Without a registration certificate for a massage establishment;
 - (2) Where a massage treatment is offered or performed by a person who is not either a massage therapist or exempt; and
 - (3) Without a zoning authorization and certificate of occupancy for the massage establishment.
- (b) No person shall offer or perform a massage treatment in a massage establishment or as a mobile massage practitioner:
 - (1) Unless such person is either exempt or a massage therapist;
 - (2) In a massage establishment that does not have a registration certificate;
 - (3) Or, in the case of a mobile massage practitioner, without a registration certificate.
 (Ord. 2225-26. Passed 2-26-26.)

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761.04 REGISTRATION PROCESS AND FEE.

(a) A person who wishes to obtain a registration certificate for a massage establishment or as a mobile massage therapist shall submit a registration application to the Director and pay a reasonable initial registration fee and a reasonable renewal fee sufficient to pay the cost of administering this chapter as follows:

- (1) An initial, nonrefundable registration fee of one hundred fifty dollars (\$150.00) and a nonrefundable renewal fee of seventy-five dollars (\$75.00).
- (b) The registration application shall be in a form designated by the Director or designee and include all of the following:
 - (1) Full legal name and current residential address of the applicant;
 - (2) The address of the proposed massage establishment or mobile massage practitioner;
 - (3) A list of services to be offered at the massage establishment, or a list of services to be offered by the mobile massage practitioner;
 - (4) The full name of any person who will provide massage treatments at the massage establishment or will be performing mobile massages, including their license numbers provided by the State Medical Board of Ohio;
 - (5) Sufficient information to identify the license for each massage therapist; and
 - (6) If applicable, the website of the massage establishment or mobile massage practitioner.
- (c) The Director or designee shall issue the registration certificate unless the Director or designee finds:
 - (1) The registration application is incomplete or contains inaccurate or fraudulent information;
 - (2) The license of a massage therapist or anyone identified who will provide massage treatments cannot be verified;
 - (3) Within two years before the date the application is submitted, the applicant, or any massage therapist listed on the registration application, was the applicant for a registration certificate that was revoked or denied. Nothing herein prohibits the Director or designee from issuing a registration certificate for a previously denied application that has been substantially modified; and
 - (4) The Zoning Authorization has not been approved for the massage establishment.
- (d) The registration applications shall be submitted and approved before a massage establishment or mobile massage practitioner can be operated and massage services offered.
- (e) Massage establishments or mobile massage practitioners that were in operation prior to the effective date of this chapter must submit a registration application not later than ninety days after the effective date of this chapter.
- (f) Following review of the application, the Director or designee shall send, by First Class U.S. Mail addressed to the applicant, either a registration certificate or a written statement that the application was denied and the reason(s) therefore.
- (g) Any person who has been denied a registration certificate may appeal such denial in accordance with Section 761.09. (Ord. 2225-26. Passed 2-26-26.)

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761.05 REGISTRATION EXPIRATION, RENEWAL, AND DUTY TO UPDATE.

- (a) Each registration certificate shall be signed by the Director or designee and such certificate shall contain the following information:
 - (1) The name of the applicant to whom the registration certificate is issued;
 - (2) The name and address of the massage establishment or the mobile massage practitioner;
 - (3) The full name of each therapist identified on the application; and
 - (4) The effective date of the registration certificate.
- (b) Each registration certificate shall be displayed in a conspicuous location readily visible to a person entering the massage establishment through a public entrance. Mobile massage practitioners shall carry a copy of the registration certification when performing massage treatment within City limits.
- (c) Each registration certificate shall be valid for two years from the date it is issued.
- (d) A person who operates a massage establishment shall notify the Director when a new massage therapist begins working at the massage establishment. The notice shall be received by the Director no more than fifteen days after the first day the therapist provides a massage treatment in the massage establishment.
- (e) No more than ninety nor less than seven days before expiration of the registration certificate, the applicant shall submit a new registration application and pay the fee in accordance with Section 761.04.
- (f) A registration certificate shall not be transferable. If ownership or operation of a massage establishment transfers, the registration certificate shall automatically expire. (Ord. 2225-26. Passed 2-26-26.)

761.06 REQUIREMENTS FOR MASSAGE ESTABLISHMENTS AND MOBILE MASSAGE PRACTITIONERS.

Every person who owns, operates, manages, or supervises a massage establishment, or who otherwise causes a massage establishment to operate shall assure all the following:

- (a) The registration certificate is displayed in a conspicuous location readily visible to a person entering the massage establishment through a public entrance;
- (b) Compliance with all the following:
 - (1) Applicable regulations issued by the Montgomery County Public Health District;
 - (2) Applicable provisions of R.C. §§ 4713.08, 4731.15, and 4734.10;
 - (3) The Codified Ordinances of the City of Moraine;
- (c) All tables and surfaces in the massage establishment shall be clean and disinfected;
- (d) Clean linen, towels, and other materials are provided in connection with any massage treatment;
- (e) Massage treatment, provided in the massage establishment are provided only by massage therapists;
- (f) Employees permit and cooperate in any inspections provided for in this chapter;
- (g) Operating Hours. No massage establishment shall be kept open for business, and no massage therapist shall administer massages after the hour of 10:00 p.m. or before the hour of 7:00 a.m.;

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- (h) Mobile Massage. Massage therapists providing mobile massage must carry their registration certificate with them to each location where the massage therapists intends to perform massage. (Ord. 2225-26. Passed 2-26-26.)

761.07 PROHIBITIONS.

- (a) No person who owns, operates, manages or supervises the operation of a massage establishment shall do any of the following:
 - (1) Allow any employee or any massage therapist to appear in any state of undress, to wear transparent clothing, or clothing that otherwise reveals a specified anatomical area;
 - (2) Allow any employee or massage therapist to provide a massage treatment to a client who is in a state of nudity, a state of semi-nudity, or who reveals a specified anatomical area;
- (b) No person shall do any of the following:
 - (1) Advertise or offer massage treatments or a related service unless they are exempt or are licensed as massage therapists to provide such massage treatments;
 - (2) Appear in a massage establishment in any state of undress, transparent clothing, or clothing that otherwise reveals a specified anatomical area;
 - (3) Provide a massage treatment to a client who is in a state of nudity, a state of semi-nudity, or who reveals a specified anatomical area.
- (c) No person shall place, publish, distribute, or cause to be placed, published, or distributed any advertising material using sexual or provocative words or images.
- (d) No person shall advertise massage treatment services with the suggestion or promise of a sexual service or activity.
- (e) Nothing shall prohibit a massage therapist from providing a massage treatment to a client who is covered only by draping, or prohibiting a massage therapist from removing such draping as necessary upon the client's explicit consent.
- (f) Transfer of Massage Establishment or Massage Services Registration Certificate. No registration certificate issued pursuant to this chapter shall be transferred or assigned in any manner, whether by authorization or law or otherwise, from any location to another location or from person to person, except that a person possessing a registration certificate, issued by the City, may move from one employer to another without filing a new application or paying a new fee, so long as the registration certificate holder notifies the Director, in writing, or the change in their employment within five business days of such change. Failure to make this notification within five business days shall be grounds for suspension or revocation of a registration certificate. (Ord. 2225-26. Passed 2-26-26.)

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761.08 INSPECTIONS.

(a) Any person or their designee having jurisdiction to enforce the provisions of this chapter may enter the public entrance of a massage establishment without notice during all hours of operation for the purpose of verifying that a valid registration certificate is displayed in accordance with this chapter, that the City has timely received the full name of any person providing massage treatments in order to verify the license of each, and that all other provisions of the herein chapter have been satisfied.

(b) Inspections shall be conducted at least once per year to determine compliance with this chapter.

(c) In accordance with constitutional provisions governing searches, any person or their designee shall have the authority to enter all message establishments within the City during all hours of operation to conduct an inspection, to investigate, or to perform the duties imposed upon the enforcement officer or designee by this chapter. The enforcement officer or designee shall present credentials and request entry. If entry is refused, the enforcement officer may obtain a search warrant in accordance with R.C. §2933.21.

(d) A massage establishment shall be given ten days from the date of inspection to correct any violations of this chapter.
(Ord. 2225-26. Passed 2-26-26.)

761.09 ADMINISTRATIVE APPEAL.

(b) A person who has filed a completed registration application and has been denied a registration certificate, or who has had a registration certificate revoked, may appeal that denial or revocation within fifteen days of the denial or revocation thereof by filing a written statement with the Director. The written statement shall include the applicant's full name and contact information (including mailing address, phone number, and email addresses), and shall state the basis for such appeal, including a summary of all relevant facts and circumstances.

(b) The Director or designee shall review the written statement, shall set a time and a place for an administrative hearing, shall provide reasonable notice prior to such hearing, and shall establish the reasonable procedures, therefore. The Director or designee shall determine whether to grant or deny the registration certificate and shall issue a final determination in writing. (Ord. 2225-26. Passed 2-26-26.)

761.10 SEVERABILITY.

This chapter and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter.

(Ord. 2225-26. Passed 2-26-26.)

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761.99 PENALTY.

(a) Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor.

(b) If the offender previously was convicted of any provision of this chapter within the past three years, the offense is a misdemeanor of the first degree.

(c) In addition to any penalty set forth in subsections (a) and (b) above, the Director or authorized Designee may revoke a registration certificate of a massage establishment for a violation of any provisions of this chapter.
(Ord. 2225-26. Passed 2-26-26.)

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CODIFIED ORDINANCES OF MORAINE

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Streets and Sidewalks

- Ch. 901. Use of Public Rights-of-Way, Public Land and Public Easements.
- Ch. 902. Street Closings.
- Ch. 903. Trees and Shrubs.
- Ch. 905. Utility Structure Standards.
- Ch. 907. Small Cell Facilities and Wireless Support Structures.
- Ch. 909. Regulations for Placement of Communication Facilities in the Right of Way.

CHAPTER 901

CHAPTER 901

Use of Public Rights-of-Way, Public Land and Public Easements

- | | | | |
|--------|--|--------|--|
| 901.01 | Purpose. | 901.18 | Transfer of ownership and renewal. |
| 901.02 | Scope. | 901.19 | Right-of-way permits. |
| 901.03 | Definitions. | 901.20 | Construction bond requirements. |
| 901.04 | Rights of way administration. | 901.21 | Permit fees. |
| 901.05 | Discontinuance of operations, abandoned and unused facilities. | 901.22 | Minor maintenance permit. |
| 901.06 | Nature of issuance. | 901.23 | Pavement cuts. |
| 901.07 | Other approvals, permits and agreements. | 901.24 | Removal and relocation. |
| 901.08 | Certificate of registration applications. | 901.25 | Waiver of fees. |
| 901.09 | Reporting requirements. | 901.26 | Damage to property. |
| 901.10 | Taxes and assessments. | 901.27 | Responsibility. |
| 901.11 | Oversight and regulation. | 901.28 | Ditch, culvert obstruction on private land. |
| 901.12 | Registration term. | 901.29 | Foreclosure, insolvency or default. |
| 901.13 | Indemnity. | 901.30 | Reservation of rights. |
| 901.14 | Liquidated damages. | 901.31 | Laches/waiver. |
| 901.15 | Termination of certificate of registration. | 901.32 | Compliance with laws. |
| 901.16 | Unauthorized use of public rights of way. | 901.33 | Acknowledgment of other authority; severability. |
| 901.17 | PEG requirements for Open Video Systems. | 901.34 | Captions and headings. |
| | | 901.99 | Penalty. |
| | | | Appendix A |

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CROSS REFERENCES

- Excavation liability - see OHio R.C. 723.49 et seq.
Digging, excavating and piling earth on streets - see OHio R.C. 5589.10
Placing injurious material or obstruction in street - see TRAF. 311.01
Abandoned excavations - see GEN. OFF. 521.03
Sidewalk obstructions - see GEN. OFF. 521.04
Sidewalk snow and ice removal - see GEN. OFF. 521.06
Street closings - see S.U. & P.S. Ch. 902
Small cell facilities - see S.U. & P.S. Ch. 907

901.01 PURPOSE.

It is the purpose and intent of this Chapter to:

- (a) Manage the occupancy and use of public ways and Rights-of-Way;
- (b) Assume that actual costs incurred by the City in managing the Right-of-Way, including circumstances when a person or persons constructs or installs facilities, or otherwise performs work activity in the City Rights-of-Way are paid by said persons;
- (c) Permit and manage reasonable access to the public Right-of-Way of the City for utility and telecommunications service purposes on a competitively neutral basis;
- (d) Conserve the limited physical capacity of the public Right-of-Way held in trust by the City for the benefit of the public;
- (e) Assume that persons with facilities in the public Right-of-Way comply with the ordinances, rules and regulations of the City; and
- (f) Assume that the City fairly and responsibly protects the public health, safety and welfare. (Ord. 1697-08, Passed 1-24-08.)

901.02 SCOPE.

The provisions of this Chapter shall apply to all uses of the Rights-of-Way as provided herein. (Ord. 1697-08, Passed 1-24-08.)

901.03 DEFINITIONS.

For purposes of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings:

- (a) "Applicant" means any Person who seeks to obtain or renew a Certificate of Registration or Permit.
- (b) "Application" means the process by which an Applicant submits a request to obtain a Certificate of Registration or Permit.
- (c) "Certificate of Registration" means the document that may be issued to a Provider and its unique System that allows Permitting of the Provider and its unique System.
- (d) "City" means the City of Moraine, Ohio
- (e) "City Manager" means the City Manager of the City of Moraine, Ohio or his/her designee.

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- (3) If the permit holder fails to restore public property as required by this provision within thirty (30) days of completion of the construction work or as otherwise specified on the permit, the City may have such work performed at the sole expense of the Permit Holder.
- (4) If the City Engineer and/or his or her designee approves the permit holder's restoration of the project, such restoration shall be deemed reasonable and complete and the City shall not require further restoration work related to the project at a later date. The City shall reserve the right to provide conditional approval on restoration work where, in the opinion of the City Engineer and/or his or her designee, the adequacy of such restoration may not be fully known at the time of completion.
- (l) **Landscape Restoration.** All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation, maintenance, repair or replacement of facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work.
(Ord. 1697-08. Passed 1-24-08.)

901.20 CONSTRUCTION BOND REQUIREMENTS.

(a) Either the owner of the project or the contractor performing the work on such project shall post sufficient bond to assure that the terms and conditions of this Chapter shall be met, and that the Right-of-Way shall be properly restored in accordance with Section 901.19(k) and (l), in the form of a surety or maintenance bond, escrow account, irrevocable letter of credit, or a cash deposit. (Ord. 1697-08. Passed 1-24-08.)

(b) Any person may post an annual bond in a form described in subsection (a) above, in the amount of ten thousand dollars (\$10,000.00) in lieu of bonds for individual projects. The City reserves the right to require a bond in a greater amount if the restoration of the Right-of-Way could exceed ten thousand dollars (\$10,000).
(Ord. 2105-22. Passed 2-10-22.)

(c) Maintenance of work performed in the Rights-of-Way, performed under a Right of Way permit issued in accordance with this Chapter, shall remain the responsibility of the permit holder for a period of one (1) year from the date of final inspection, except that period shall be two (2) years for permits issued for pavement cuts or borings under the pavement. A sufficient maintenance bond, in an amount determined by the City Engineer and/or his or her designee shall be kept during this period. (Ord. 1697-08. Passed 1-24-08.)

901.21 PERMIT FEES.

In accordance with Ohio Revised Code Section 4939.05, each person submitting an application for a permit shall pay a fee, as determined by the City Engineer, for its administrative costs related to the application and inspection and review of the work performed in the Right-of-Way.

- (a) The City Engineer shall develop and maintain a schedule of permit fees based on fair and reasonable criteria.
- (b) The calculations used to determine the permit fees shall be made available for review by the permit applicant.
- (c) Concrete Work: The permit process and fees charged for concrete work in the Right-of-Way shall be set by the City Engineer.
(Ord. 1697-08. Passed 1-24-08.)

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901.22 MINOR MAINTENANCE PERMIT.

(a) **Right-of-Way Minor Maintenance Permit Requirement.** No person shall perform minor maintenance of facilities in the rights-of-way without first having obtained a right-of-way permit as set forth in this chapter. Minor maintenance means:

- (1) The routine repair or replacement of facilities with like facilities not involving construction and not requiring traffic control for more than two hours at any one location;
- (2) The routine repair or replacement of facilities with like facilities not involving construction and taking place on thoroughfares and arterials between the hours of 9:00 a.m. and 3:00 p.m.;
- (3) The routine repair or replacement of facilities with like facilities not involving construction on all rights-of-ways, other than thoroughfares and arterials, that does not impede traffic and is for a period of less than eight contiguous hours; or construction other than on thoroughfares and arterials that takes less than eight contiguous hours to complete, does not impede traffic and does not involve a pavement cut. The City Engineer or authorized designee may adopt Rules and Regulations that clarify the definition of minor maintenance and/or provide a process for a provider to determine whether particular activity constitutes minor maintenance.
 - A. A right-of-way minor maintenance permit allows the right-of-way minor maintenance permittee to perform all minor maintenance in any part of the rights-of-way as required.
 - B. A right-of-way minor maintenance permit is valid from the date of issuance until revoked by the City Engineer or authorized designee.
 - C. A right-of-way minor maintenance permit must be displayed or upon request produced within twelve business hours.
 - D. A right-of-way minor maintenance permit by itself shall under no circumstances provide a permittee with the ability to cut pavement without seeking additional authority from the City Engineer or authorized designee.

(b) **Right-of-Way Minor Maintenance Permit Applications.** Application for a right-of-way minor maintenance permit shall be made to the City Engineer or authorized designee. In addition to any information required by the City Engineer or authorized designee, all right-of-way minor maintenance permit applications shall contain, and will only be considered complete upon compliance with the following provisions:

- (1) Credible evidence that the applicant has obtained a certificate of registration or proof that the applicant has written authority to apply for a right-of-way minor maintenance permit on behalf of a party that has been issued a certificate of registration.
- (2) Submission of a completed right-of-way minor maintenance permit application in the form required by the City Engineer or authorized designee.
- (3) A statement that the applicant will employ protective measures and devices that, consistent with the Ohio Manual of Uniform Traffic Control Devices, will prevent injury or damage to persons or property and to minimize disruptions to the efficient movement of pedestrian and vehicular traffic.

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(c) Issuance of Right-of-Way Minor Maintenance Permits: Conditions.

- (1) If the City Engineer or authorized designee determines the applicant has satisfied the requirements of this chapter and the right-of-way minor maintenance permit process, the City Engineer or authorized designee shall issue a right-of-way minor maintenance permit subject to the provisions of this chapter.
 - (2) The City may impose reasonable conditions, in addition to the Rules and Regulations enacted by the City Engineer or authorized designee, upon the issuance of the right-of-way minor maintenance permit and the performance of the right-of-way minor maintenance permittee thereunder in order to protect the public health, safety, and welfare, to insure the structural integrity of the rights-of-way, to protect the property and safety of other users of the rights-of-way, and to minimize the disruption and inconvenience to the traveling public.
- (d) **Right-of-Way Minor Maintenance Permit Fees.** The City Engineer or authorized designee shall charge a ten dollar (\$10.00) fee for the issuance of the right-of-way minor maintenance permit but may revoke the right-of-way minor maintenance permit as any other permit may be revoked under this chapter. (Ord. 2217-26. Passed 1-22-26.)

901.23 PAVEMENT CUTS.

(a) All pavement cuts made by any person shall be repaired by such person in accordance with applicable City building standards.

(b) Any person making a pavement cut within the Right of Way exceeding 50 square feet or 25 linear feet measured in the direction of travel within (5) years of the completion of a contract for the resurfacing of such pavement shall provide for the resurfacing of the entire width of the travel lane within which the pavement cut was made. The resurfacing of the lane shall be accomplished within 6 months of the completion of the associated work within the right of way. The resurfacing shall consist of planing and paving of the surface course of asphalt for a minimum length of 25 feet measured in the direction of traffic. The person making the pavement cut shall be responsible for the resurfaced lane for a period of two (2) years from the date of final inspection. A sufficient maintenance bond in an amount determined by the City Engineer shall be kept during this period.
(Ord. 1697-08. Passed 1-24-08; Ord. 2217-26. Passed 1-22-26.)

901.24 REMOVAL AND RELOCATION.

Within a time designated by the City Engineer and/or his or her designee and not less than thirty (30) days following written notice from the City, the permit holder or other person that owns the facility or related appurtenances shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any facilities within the public ways whenever the City shall have determined that such removal, relocation, change or alteration is reasonably necessary for any of the following:

- (a) The construction, repair, maintenance or installation of any City or other public improvement in or upon the public ways.
- (b) The operations of the City or other governmental entity in or upon the public ways. If the permit holder or owner fails to remove, relocate, change or alter the facility within the time designated, the City may, at its option, either have such relocation, removal, change or alterations performed and bill the owner for such costs, or bill the owner for increased costs incurred as a result of such failure.

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- (c) If the City vacates a Right of Way which contains the Facilities of a Provider, such vacation shall be subject to the provisions of O.R.C. §723.04.1. If the vacation requires the relocation of the Provider's Facilities and if the vacation proceedings are initiated by the Provider, the Provider will pay the relocation costs. If the vacation requires the relocation of the Provider's Facilities and if the vacation proceedings are initiated by the City for a public purpose, the Provider or Permittee must pay the relocation costs unless otherwise agreed to by the City, the Provider or Permittee.
- (d) Nothing herein prevents an entity that is a public utility pursuant to 4905.02 of the Revised Code from obtaining cost recovery for any facilities relocation required as part of its occupancy of the Right-of-Way pursuant to 4939.07 or the Revised Code.
- (e) No Service Provider shall be required to bear the expense of removal, relocation, change or alteration of position of any Facilities if such requirement would be prohibited by law.
(Ord. 1697-08. Passed 1-24-08; Ord. 2217-26. Passed 1-22-26.)

901.25 WAIVER OF FEES.

Fees required by Section 901.21 and resurfacing required by Section 901.22(b) shall be waived if the work activity in the Right-of-Way is the result of a request by the City for the owner of a facility located in the Right-of-Way to relocate or remove the facility, unless such facility is no longer in use, is unauthorized or has been abandoned.
(Ord. 1697-08. Passed 1-24-08; Ord. 2217-26. Passed 1-22-26.)

901.26 DAMAGE TO PROPERTY.

Unless directly and proximately caused by the willful, intentional or malicious acts by the City, the City shall not be liable for any damage to or loss of any facility within the public ways of the City as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public ways by or on behalf of the City, if the City, or someone on its behalf, has prior to such activity contacted the Ohio Utilities Protection Services (OUPS).
(Ord. 1697-08. Passed 1-24-08; Ord. 2217-26. Passed 1-22-26.)

901.27 RESPONSIBILITY.

The owner of the facilities to be constructed, installed or maintained pursuant to this chapter and, if different, the Permit Holder, are responsible for the performance of and compliance with all provisions of this Chapter. Any person who performs work in the Right-of-Way without obtaining the permits required in this Chapter shall be required to obtain the appropriate permit at two times the cost provided in this Chapter, and provide a bond as specified in Section 901.04.
(Ord. 1697-08. Passed 1-24-08; Ord. 2217-26. Passed 1-22-26.)

901.28 DITCH, CULVERT OBSTRUCTION ON PRIVATE LAND.

The Municipality, in order to protect the public health, safety and general welfare, requires the following:

- (a) No person shall obstruct, or cause the obstruction of any ditch, drain or watercourse of any kind, natural or artificial in the Municipality, by constructing or erecting therein a culvert, dam or other obstruction of any kind without first obtaining a Use permit from the Director as described herein.
- (b) A fee of two hundred dollars (\$200.00) shall be charged for such permit for the cost and expense arising therefrom. The person desiring such a permit shall comply with all applicable requirements of this chapter.

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- (c) Upon request of the Applicant, the City Manager, may, but shall not be required to, reduce or waive permit fees required under this section. In doing so, the City Manager may consider the impact of the proposed use on the ditch, drain or watercourse, the benefit of the proposed use to the public, or hardship to the Applicant. Any appeal of the City Manager's decision regarding a request to reduce or waive fees shall be made to City Council. Under no circumstances shall the City Manager reduce or waive permit fees for businesses in such a manner as to create a competitively non-neutral and discriminatory business environment.
- (d) No Permits shall be granted by the Director for the construction or erection of a culvert, dam or other obstruction of any kind that would cause the water to flow back and flood any public right-of-way or private residence or cause any other detriment to the public health, safety or general welfare, or would not be of sufficient size and capacity to accommodate the flow of water resulting from a storm occurring with a frequency of one in ten years, as determined by a generally accepted method of design, taking into consideration the upstream drainage area as being fully developed.
- (e) The Director shall serve notice upon the owner or upon the person having the care and control of any lot or parcel of land through which any ditch, drain or watercourse of any kind, natural or artificial, passes to remove, within ten (10) days after service of such notice, any culvert, dam or other obstruction of any kind which is deemed detrimental to the public health, safety or general welfare or otherwise does not comply with this chapter.
- (f) Failure or refusal of the owner, or of the person having the care and control of such lot or parcel of land to comply with such notice shall be subject to the penalty set forth in Section 901.99. If the owner or the person having the care and control of such lot or parcel of land fails or refuses to comply with such notice, the Director may authorize the work required by such notice to be done at the expense of the Municipality, and the amount of money so expended shall be recoverable from the person upon whom such notice was served by a civil action in any court of competent jurisdiction.
(Ord. 1322-99. Passed 7-22-99; Ord. 2217-26. Passed 1-22-26.)

901.29 FORECLOSURE, INSOLVENCY OR DEFAULT.

Upon the foreclosure or other judicial sale of the Permittee's facilities located within the right-of-way, the Permittee shall notify the Municipality of such fact and its Permit shall be deemed void and of no further force or effect, except where foreclosure or judicial sale is to protect a security interest of a lender, in which case a lender may take over a Permit upon the completion of an agreement with the Municipality, said agreement being made by the Municipality in its sole discretion, to fulfill the Permit terms and conditions. The Municipality shall have the right to cancel any Permit granted pursuant to this chapter subject to any applicable provisions of law, including the Bankruptcy Act, one hundred twenty (120) days after appointment of a receiver or trustee to take over and conduct the business of the Permittee, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:

- (a) Within one hundred twenty (120) days after his election or appointment, such receiver or trustee shall have fully complied with all the provisions of this chapter and the relevant Permit, and remedied all defaults thereunder, and
- (b) Such receiver or trustee within one hundred twenty (120) days shall have executed an agreement duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this chapter and the relevant Permit.
(Ord. 1322-99. Passed 7-22-99; Ord. 2217-26. Passed 1-22-26.)

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901.30 RESERVATION OF RIGHTS.

Nothing in this chapter shall be construed to:

- (a) Prevent or restrict in any way the Municipality from taking precedence and making full use of its rights-of-way, including constructing, maintaining, repairing, relocating, improving or altering any street, sidewalk, utility or communications facility, or any other public work or improvement.
- (b) Grant any right or interest in any right-of-way or other public property other than as explicitly set forth in a Permit.
(Ord. 1322-99. Passed 7-22-99; Ord. 2217-26. Passed 1-22-26.)

901.31 LACHES/WAIVER.

The Permittee shall not be relieved of its obligations to comply with any provisions of this chapter by reason of failure of the Municipality to enforce prompt compliance. Any failure to enforce or decision not to enforce this chapter shall not be considered a waiver by the Municipality of its right to enforce this chapter in the future.
(Ord. 1322-99. Passed 7-22-99; Ord. 2217-26. Passed 1-22-26.)

901.32 COMPLIANCE WITH LAWS.

All Permittees are required as a condition of holding said Permit to be and remain in compliance with all applicable local, state and federal laws.
(Ord. 1322-99. Passed 7-22-99; Ord. 2217-26. Passed 1-22-26.)

901.33 ACKNOWLEDGMENT OF OTHER AUTHORITY; SEVERABILITY.

The Municipality acknowledges the existence, and in some instances the preeminence of state and federal agencies such as the Public Utility Commission of Ohio, the Federal Communications Commission and others. Should any of these entities or a court of competent jurisdiction act to overrule or preempt actions, decisions, policies or ordinances of this Municipality, the remainder of this chapter shall remain in full force and effect until amended or repealed by action of City Council.
(Ord. 1322-99. Passed 7-22-99; Ord. 2217-26. Passed 1-22-26.)

901.34 CAPTIONS AND HEADINGS.

The captions and headings in this chapter are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this chapter.
(Ord. 1322-99. Passed 7-22-99; Ord. 2217-26. Passed 1-22-26.)

901.99 PENALTY.

In addition to any other penalties which may be imposed under the terms of this Chapter 901, anyone found to be in violation of the terms of this Chapter 901 shall be guilty of a misdemeanor of the third (3rd) degree. Each day or part thereof that a violation continues shall be deemed a separate offense. Such violations shall be punishable by a fine of not more than five hundred dollars (\$500.00) for each violation.
(Ord. 1322-99. Passed 7-22-99.)

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APPENDIX A

Activity	Fee
For placing or selling a newspaper vending machine or box, per machine or box.	\$ 1.00
For installation of passenger benches or shelters by public transportation companies.	None
For installation of portable planter box.	None
For making test hole or boring each.	3.00
For temporary storage of building material or personal property for less than thirty days.	4.00
For setting a pole or pole anchor, per pole or anchor.	4.00
For landscaping and planting of trees and other vegetation.	None
For construction or reconstructing sidewalk or curb.	4.00
For a permanent driveway:	
Driveway ten feet or less in width.	5.00
Driveway over ten feet in width but not over thirty feet in width per lineal foot of width.	1.00
For widening an existing driveway to total width of not over thirty feet per lineal foot of widening.	1.00
For constructing or reconstructing a driveway.	4.00
For a temporary driveway over curb and sidewalk.	4.00
For moving an excess load, other than a building, of greater width, height, length or weight than is permitted under the State statutes per load.	4.00
For moving any building of greater width, height, length or weight than is permitted under State statutes.	50.00

(Ord. 1322-99. Passed 7-22-99.)

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CODIFIED ORDINANCES OF MORaine
PART FIFTEEN - FIRE PREVENTION CODE

TITLE ONE - Standards Adopted
 Chap. 1501. Ohio Fire Code.

CHAPTER 1501
Ohio Fire Code

1501.01	Adoption of Ohio Fire Code.	1501.04	Impounding vehicles and
	(2011 Edition)		fire lanes.
1501.02	File and distribution copies.	1501.05	City not liable.
1501.03	Storage limits of explosives		
	and fireworks.		

CROSS REFERENCES

See sectional histories for similar State law
 Appeals of orders - see Ohio R.C. 119.12
 State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33
 State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34
 Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.
 Entry and inspection - see Ohio R.C. 737.34 et seq., 3737.14, 3737.41, 3737.42
 Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)
 Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.
 Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071
 Self-service filling stations - see Ohio R.C. 3741.14

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1501.01 ADOPTION OF OHIO FIRE CODE. (2011 EDITION)

(a) Pursuant to Moraine Codified Ordinances Section 123.03, the Ohio Fire Code (2025 ed.) set forth at Ohio Administrative Code Section 1301:7-7-01 et seq., is hereby adopted in its entirety as the Fire Prevention Code of the City of Moraine. The Ohio Fire Code adopted by reference herein and made a part of this Chapter shall have the same force and effect as if set forth in full herein. (Ord. 2228-26. Passed 3-26-26.)

(b) Pursuant to Moraine Codified Ordinances Section 123.03, Section 1.14 entitled Emergency Alarm Systems of the Southwest Ohio Fire Safety Council Unified Fire Code is hereby adopted as a supplement and addition to the Fire Prevention Code of the City of Moraine. Section 1.14 adopted by reference herein and made a part of this Chapter shall have the same force and effect as if set forth in full herein. (Ord. 1740-09. Passed 7-9-09.)

1501.02 FILE AND DISTRIBUTION COPIES.

At least one copy of the Ohio Fire Code and applicable supplements as adopted herein shall be on file for inspection by the public with the Municipal Clerk. In addition, the Municipal Clerk shall have copies available for distribution to the public at cost. (Ord. 1740-09. Passed 7-9-09.)

1501.03 STORAGE LIMITS OF EXPLOSIVES AND FIREWORKS.

The limits referred to in Section 1301:7-7-33 of the Ohio Fire Code relating to restrictions on storage of explosives and fireworks applies to all locations within the City of Moraine. (Ord. 1740-09. Passed 7-9-09.)

1501.04 IMPOUNDING VEHICLES AND FIRE LANES.

The Fire Chief and his designees shall enforce Sections 307.02 (when vehicle may be impounded) and 351.13 (fire lanes on private property) of the Codified Ordinances. (Ord. 1114-95. Passed 3-9-95.)

1501.05 CITY NOT LIABLE.

This Fire Prevention Code shall not be construed to affect the responsibility of any party owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein. (Ord. 1114-95. Passed 3-9-95.)

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