

**CODIFIED ORDINANCES OF BUCYRUS**  
**PART FIVE - GENERAL OFFENSES CODE**

**Chap. 501. General Provisions.**

**Chap. 505. Animals and Fowl.**

**Chap. 509. Disorderly Conduct and Peace Disturbance.**

**Chap. 511. Noise Control.**

**Chap. 513. Drug Abuse Control.**

**Chap. 515. Fair Housing.**

**Chap. 517. Gambling.**

**Chap. 521. Health, Safety and Sanitation.**

**Chap. 522. Weeds, Grasses and Other Vegetation.**

**Chap. 523. Smoking on City Property.**

**Chap. 525. Law Enforcement and Public Office.**

**Chap. 529. Liquor Control.**

**Chap. 531. Minor's Curfew.**

**Chap. 537. Offenses Against Persons.**

**Chap. 545. Theft and Fraud.**

**Chap. 549. Weapons and Explosives.**

**Chap. 553. Railroads.**



**CODIFIED ORDINANCES OF BUCYRUS  
PART FIVE - GENERAL OFFENSES CODE**

**CHAPTER 501  
General Provisions**

**501.01 Definitions.**

**CROSS REFERENCES**

See sectional histories for similar State law  
Limitation of prosecution for income tax violations - see  
Ohio R.C. 718.06  
Modification of sentence - see Ohio R.C. 2929.10(C), (D)  
Penalty considerations - see Ohio R.C. 2929.22  
Citation issuance for minor misdemeanors - see Ohio  
R.C. 2935.26 et seq.

**501.01 DEFINITIONS.**

As used in the Codified Ordinances, all terms shall have the meanings as set forth under the Ohio Revised Code.



**CHAPTER 505  
Animals and Fowl**

<p><b>505.01 Animal Control Department.</b></p> <p><b>505.02 Definitions.</b></p> <p><b>505.03 Animals running at large prohibited.</b></p> <p><b>505.04 Impounding and disposition; records.</b></p> <p><b>505.05 Abandoning animals.</b></p> <p><b>505.06 Nuisance conditions prohibited.</b></p> <p><b>505.07 Animal bites; rabies.</b></p> <p><b>505.08 Hunting prohibited; pigeons.</b></p> <p><b>505.09 Coloring rabbits or baby poultry; sale or display of poultry.</b></p>	<p><b>505.10 Animal owner liable for damage to property.</b></p> <p><b>505.11 Quartering of domestic livestock.</b></p> <p><b>505.12 Wild or dangerous animals prohibited.</b></p> <p><b>505.13 Prohibited animals specified.</b></p> <p><b>505.14 Rabies control.</b></p> <p><b>505.15 All animals prohibited in festival areas.</b></p> <p><b>505.99 Penalty.</b></p>
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**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

**505.01 ANIMAL CONTROL DEPARTMENT.**

(a) Pursuant to the authority granted by Ohio R.C. 715.23, the Animal Control Department of the Department of Public Service-Safety is hereby established.

(b) The provisions of this chapter shall be enforced by the Animal Control Department.

(c) The Animal Control Department shall be composed of an Animal Warden to be appointed by the Mayor and to serve at his pleasure under the direction of the Public Service-Safety Director.

(d) It shall be the duty and responsibility of the Animal Warden to:

- (1) Keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals taken into custody by the Department;
- (2) Keep, or cause to be kept, accurate and detailed records of all animal bite cases reported to him; and the investigation of the same; and

- (3) Maintain an inventory of the forms and equipment necessary to enforce the provisions of this chapter.

(e) The Animal Warden is hereby authorized and empowered to issue proper notices, citations, summons and warrants, and he shall have such other authority as is necessary to carry out and enforce the provisions of this chapter and all other ordinances enacted relating to the control and regulation of animals within the Municipality.  
(Ord. 25-73. Passed 5-1-73.)

#### **505.02 DEFINITIONS.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

- (a) "Dog" means both male and female dogs of any age.
- (b) Other animals and fowl named in this chapter are as named and mean either male or female animals of any age.
- (c) "Owner" means any person, firm, association or corporation owning, harboring or keeping a dog or other animal.
- (d) "At large" means off the premises of the owner and not in direct control of the owner, a member of the owner's family or agent of the owner, either by lead or otherwise.
- (e) "Restraint" means that the dog is controlled by a leash, at heel beside a competent person, obedient to that person's commands, within a vehicle being driven or parked on the streets or within the property limits of its owner's or keeper's premises.
- (f) "Animal shelter" means any premises designated by action of the Municipality for the purpose of impounding and caring for all animals running at large in violation of this chapter.
- (g) "Animal Warden" means the person employed by the Municipality as its enforcement officer.
- (h) "Exposed to rabies" means that a dog has been exposed to rabies if it has been bitten by, or has come into contact directly or indirectly with any animal known to have been infected with rabies. (Ord. 25-73. Passed 5-1-73.)

#### **505.03 ANIMALS RUNNING AT LARGE PROHIBITED.**

(a) No person, being the owner of or having charge of any horse, mule, cow, sheep, goat, swine, cat, duck, goose, turkey, chicken or any other fowl or animal shall permit the same to run at large upon any public place or upon any unenclosed lands or permit the same to go upon private ground not the property of such owner or person having charge thereof.

- (b) (1) No person being the owner of or having charge of any dog, whether registered or unregistered shall permit it to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another. No owner, keeper or harbinger of any female dog shall permit such dog to go beyond the premises of such owner or keeper at any time such dog is in heat, unless such dog is properly in leash. The owner or keeper of every dog shall at all times keep such dog either confined upon the premises of the owner or keeper, or under reasonable control of some person.

- (2) No person being an owner or in control of any animal, whether registered or unregistered, while said animal is in an unenclosed yard, while attached to a leash, chain tether, lead or rope, shall permit said animal to reach a distance of less than 3 feet from the edge of the property line or within 3 feet of any alley, roadway, street, avenue, sidewalk, railroad right of way, public thoroughfare or fire hydrant.  
(Ord. 67-97. Passed 9-16-97.)

(c) The running at large of any such animal in or upon any of the places mentioned in this section is prima facie evidence that it is running at large in violation of this section.

(d) The owner of any fierce, dangerous and/or vicious dog shall confine such dog within a building or secure enclosure, and shall not take such dog out of a building or secure enclosure unless the dog is securely muzzled.

(e) The owner of any other dangerous animal and/or reptile or fowl, shall not permit the same to run at large, nor shall he lead any such animal with a chain, rope or other appliance, whether such animal is muzzled or unmuzzled, in any street or public place.  
(Ord. 25-73. Passed 5-1-73.)

(f) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 93-97. Passed 12-2-97.)

#### **505.04 IMPOUNDING AND DISPOSITION; RECORDS.**

(a) Any dog wearing a valid registration tag, or other animal or fowl found running at large in violation of Section 505.03, shall be taken by the Bucyrus Animal Warden and impounded in a shelter designated as the Crawford County Humane Society Shelter, and there to be confined in a humane manner. (Ord. 27-92. Passed 4-7-92.)

(b) Within twenty-four hours or as soon thereafter as reasonably possible upon impounding a dog or other animal, the Animal Warden shall make every reasonable effort to notify the owner and inform him of the conditions whereby he may regain custody of the dog or other animal. (Ord. 25-73. Passed 5-1-73.)

(c) The owner shall be entitled to resume possession of any impounded dog, other impounded animal or fowl, except as hereinafter provided, upon payment of a fee of seven dollars (\$7.00) per day or any part of a day, provided he presents himself at the Crawford County Humane Society Shelter before the expiration of three days following the attempt on the part of the Animal Warden to give the required notice provided for herein. Proof of ownership may include a license receipt, affidavit of a neighbor, a photograph or other suitable evidence.

Failure of the owner so notified to respond within three days of the giving of the written notice by the Animal Warden shall result in the issuance of a citation by the Animal Warden to the owner to appear in court to answer to charges of violation of Section 505.03, with the further provision that any dog, other animal or fowl remaining longer than three days following the issuing of written notice or of actual notice thereof, shall be sold, given to the Crawford County Humane Society or otherwise disposed of as provided by law.

In every case involving the running at large of any dog, a citation shall be issued by the Animal Warden to the owner to appear in court to answer to charges of violation of Section 505.03.

(d) A dog not wearing a valid registration tag found running at large in violation of Section 505.03 shall be taken by the Bucyrus Animal Warden and held for three days, after which time the dog shall be forthwith turned over and delivered to the Crawford County Humane Society Shelter. (Ord. 27-92. Passed 4-7-92; Ord. 81-98. Passed 11-17-98.)

(e) Any female dog or fierce, dangerous or vicious dog described in subsections (b) and (d) respectfully, of Section 505.03 found at large, shall be impounded by the Animal Warden and may not be redeemed by the owner until such time that redemption is authorized by any court having jurisdiction.

(f) Any animal impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.

(g) A record of all dogs or other animals impounded, the disposition of the same, the owner's name and address when known, and a statement of any costs or receipts against such dog shall be kept by the Animal Warden and be furnished at least monthly to the Mayor. (Ord. 25-73. Passed 5-1-73.)

#### **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 this section is guilty of a minor misdemeanor. (ORC 959.99(A))

#### **505.06 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl so as to create offensive odors, excessive noise, or unsanitary conditions that are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance defined hereinafter.

(b) Any animal, which by biting or frequent and habitual barking, howling or yelping, or which in any way or manner injures or disturbs or endangers the comfort, composure or health of persons, is hereby declared to be committing a nuisance. It shall be unlawful for any owner or person having custody of such an animal to harbor it or permit it to commit such nuisance.

(c) Any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or school ground or any other public or private property, other than that of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

(d) No person being the owner or in charge or control of any dog shall allow or permit such dog to commit a nuisance on any school grounds, City park or other public property, or upon any private property other than that of the owner or person in charge of or in control of such dog without the permission of the owner of the property. Where the owner of the dog or the person in charge of or control of such dog immediately removes all feces deposited by such dog and disposes of same in a sanitary manner, such nuisance shall be considered abated. (Ord. 25-73. Passed 5-1-73.)

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

**505.07 ANIMAL BITES; RABIES.**

(a) Every animal which bites a person shall be promptly reported to the Animal Warden, and shall thereupon be examined by a practicing veterinarian and securely confined for clinical observation. After a laboratory confirmed case of rabies has occurred within the last twelve months, such confinement shall be for a period of at least twenty-one successive days at the owner's expense and on the owner's premises under the supervision of the Animal Warden.

(b) Dogs having been vaccinated within three years with CEO (chick-embryo rabies vaccine) or within one year with phenolized vaccine, may be confined on the premises of the owner, isolated from all individuals other than the immediate family. The animal must be examined by a practicing veterinarian on the first and tenth days after the bite and a written report sent to the Animal Warden. Confinement must also be on the premises of the owner as provided in this subsection if there has been no laboratory confirmed case of rabies during the past twelve months within the county.

(c) The owner, upon demand by the Animal Warden, shall forthwith surrender any animal which has bitten a human being, or which is suspected of having been exposed to rabies, for supervised confinement, the expense of which shall be borne by the owner. Such animal may be reclaimed by the owner if it is adjudged free of rabies upon payment of the actual costs incurred for such confinement.

(d) When rabies has been diagnosed in an animal confined for clinical observation, when rabies is suspected by a practicing veterinarian, or if the animal dies while under observation, the head of such animal shall be sent to the Ohio State Health Department by the local health authorities for pathological examination and the proper public health officer shall be notified of reports of human contacts and the diagnosis.

(e) When a positive diagnosis of rabies has been made, the Animal Warden shall recommend an area-wide quarantine for a period of ten days, during which time all animals must be on a leash. All pets shall be under restraint of the owner. During such quarantine, no animal may be taken or shipped away from the Municipality without written permission of the Animal Warden. During this quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the Animal Warden may require that all dogs, three months of age and older, shall be vaccinated against rabies by an accredited veterinarian with a canine rabies vaccine approved by the Biologics Control Section of the U.S. Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by any qualified health officer or veterinarian. All vaccinated dogs shall be restricted, by leashing or confinement on enclosed premises for thirty days after vaccination. During the quarantine period the health officer or veterinarian shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of the health jurisdiction.

(f) Dogs bitten by a known rabid animal shall be immediately destroyed. If the owner is unwilling to destroy the exposed animal, strict isolation and observation of the animal shall be enforced at the owner's expense for a period of six months. If the dog has been previously vaccinated, revaccination and restraint, leashing and confinement, for thirty days shall be carried out.

In the event that there are additional cases of rabies occurring during the period of the quarantine, such quarantine may be extended for additional six-month periods.

(g) No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human being, except as herein provided, nor remove such animal from the Municipal limits without written permission from the Animal Warden.

(h) The carcass of any animal exposed to rabies shall upon demand be surrendered to the Animal Warden.

(i) The Animal Warden shall direct the disposition of any animal found to be infected with rabies.

(j) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Animal Warden.

(k) Every physician or other medical practitioner shall report to the Animal Warden the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control.

(l) Every veterinarian shall notify the Animal Warden promptly upon presentation of any suspected rabid animal or any animal presented for quarantine examination, and at the termination of quarantine shall submit a written report to the Animal Warden. During the quarantine period any animal showing clinical signs of rabies shall be reported immediately to the Animal Warden. (Ord. 25-73. Passed 5-1-73. )

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

#### **505.08 HUNTING PROHIBITED; PIGEONS.**

(a) The hunting of animals or fowl within the City is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means. This section does not apply to properly supervised and controlled means designed to control or eliminate nuisance animals and fowls within the City. Such supervision shall be through the Safety Service Director or his/her designee. (Ord. 18-96. Passed 3-5-96.)

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

#### **505.09 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 six. 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.

**505.10 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.**

The owner, keeper or harbinger of any animal which damages or destroys public or private property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of any provision of this chapter.  
(Ord. 25-73. Passed 5-1-73.)

**505.11 QUARTERING OF DOMESTIC LIVESTOCK.**

(a) The quartering of domestic livestock shall be permitted only so long as the owner of such livestock owns pastureland of not less than five acres in area to accommodate such stock, adequately fenced to contain same. (Ord. 6-73. Passed 2-6-73.)

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

**505.12 WILD OR DANGEROUS ANIMALS PROHIBITED.**

(a) No person shall keep, maintain or have in his possession or under his control within the City any poisonous reptile or any other dangerous or carnivorous wild animal or reptile and vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities. Excluded specifically from the foregoing prohibition are circuses or other similar professional wild animal shows or exhibitions appearing within the City for a limited period of time only. (Ord. 47-85. Passed 12-17-85.)

**505.13 PROHIBITED ANIMALS SPECIFIED.**

(a) Definition. For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

"Dangerous animal" means any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it escaped from secure quarters. "Dangerous animal" also includes any domestic animal, reptile or fowl which because of its size or vicious propensity or other characteristic would constitute a danger to human life or property if it escaped from secure quarters.

(b) Prohibited Animals. No person shall keep, maintain or have in his possession or under his control within the City any of the following animals:

- (1) Any animal which has been declared to be protected or endangered by the U.S. Department of Interior or the Ohio Revised Code.
- (2) All poisonous animals, including rear fang snakes.
- (3) Badgers (mellinae).
- (4) Bears (ursidae).
- (5) Beavers (castoridae).
- (6) Canids, that is: wolves, foxes, coyotes, jackals and dingo.
- (7) Civet (viverrines).
- (8) Constrictor snakes.
- (9) Crocadians, that is: alligators, crocodiles, caiman and cavials.
- (10) Eagles, hawks, owls (falconiformes).
- (11) Edentata, that is: anteaters, tamanduas, sloths, armadillos.
- (12) Emus (casuariiformes).
- (13) Felids, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, Lynx and ocelots.

- (14) Game cocks and other fighting birds.
- (15) Hyenidae (hyenas).
- (16) Marsupials, that is: opossums, tasmanian wolf, kangaroos, koalas and wombats.
- (17) Muskrats (ondata).
- (18) Ostriches (struthio).
- (19) Porcupine (hystricomorpha).
- (20) Primates (nonhuman, that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans and siamangs).
- (21) Procunoids, that is: raccoons, coatis, kinkajous, ring-tailed cats, pandas.
- (22) Rheas (rheiformes).
- (23) Skunks (mephitinae).
- (24) Squirrels (sciuridae).
- (25) Sharks (chondrichthyes).
- (26) Swine (suidae).
- (27) Ungulates, that is: elephants, zebra, rhinoceroses, camel, lame, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle and gnu.
- (28) Water buffalo (bubalus).
- (29) Wart hogs (phacocherus aethiopicus).
- (30) Weasels.
- (31) Wolverines (gulo gulo).
- (32) Woodchucks (marmota monas).
- (33) Canines(canidae) - cross-bred with wolves, coyotes, foxes.
- (34) Any other dangerous animal. (Ord. 47-85. Passed 12-17-85.)

(c) Penalty. Whoever violates this section is guilty of a minor misdemeanor. (Ord. 93-97. Passed 12-2-97.)

#### **505.14 RABIES CONTROL.**

(a) Any animal which bites a person shall promptly within twenty-four hours be reported to the City Health Department and shall thereupon be examined by a practicing veterinarian and securely confined for clinical observation at the direction of the so-called "Utility Person" within the City Safety Forces, charged, among various other duties, with those of Animal Warden, for a period of at least ten days.

- (1) If a laboratory-confirmed case of rabies has occurred within the last twelve months in Crawford County, such confinement shall be at the City Animal Shelter or, at the animal owner's option and expense, in a veterinary hospital of his/her choice.
- (2) Dogs which have been vaccinated within three years with CEO or within one year with phenolized vaccine, may be confined on the premises of the owner and isolated from all individuals other than the immediate family. The animal must be examined by a practicing veterinarian on the first and tenth days after the bite and a written report sent to the City Health Commissioner.
- (3) Confinement may be on the premises of the animal owner as described in paragraph (2) hereof if there have been no laboratory confined cases of rabies during the past twelve months within Crawford County.

- (4) In the case of stray animals or in the case of an animal whose ownership is not known, such confinement shall be at the direction of the City Health Commissioner. At the end of the ten-day confinement, the animal shall be examined by a practicing veterinarian a second time and a written report sent to the City Health Commissioner.

(b) The owner of any animal which has bitten a human being or which is suspected of having been exposed to rabies shall, upon demand by the so-called "Utility Person" within the City Safety Forces, charged among various other duties with those of Animal Warden, forthwith surrender such animal for supervised confinement, the expense of which shall be borne by the animal owner. Such animal may be reclaimed by the owner, if it is adjudged to be free of rabies, upon payment of fees for such confinement.

(c) When rabies has been diagnosed, however, in an animal confined for clinical observation, or rabies is suspected by a practicing veterinarian, or the animal has bitten anyone within ten days and such animal dies while under such observation, the head of such animal shall be sent to the State Health Department by the local health authorities for pathological examination and the proper public health officer shall be notified of reports of human contacts and diagnosis.

(d) When a positive diagnosis of rabies has been made, the City Board of Health Commissioner shall recommend a City-wide quarantine for a period of ten days or longer, during which time all animals must be on a leash. All pets shall be under restraint of the owner. During such quarantine no animal may be taken or shipped from the City without permission of the City Board of Health Commissioner.

(e) During this quarantine period and so long afterward as it deems necessary to prevent the spread of rabies, the City Board of Health may require that all dogs, three months of age and older, be vaccinated against rabies by an accredited veterinarian, with approved canine rabies vaccine. The types of approved canine rabies vaccine to be used and the recognized duration of immunity for each shall be established by the local health officer. During the quarantine period, the local health officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of the health jurisdiction. No dog which has been impounded by reason of its being a stray or unclaimed by its owner, is allowed to be adopted by the Animal Shelter during the period of rabies emergency quarantine, except by special authorization of the City Health Commissioner and/or City Public Service-Safety Director.

(f) A dog bitten by an animal known to be rabid should be immediately destroyed. If the owner is unwilling to destroy the exposed animal, strict isolation and observation of the animal in the City Animal Shelter or, at the animal owner's option and expense, in a veterinary hospital of his/her choice for six months, shall be enforced. If the dog has been previously vaccinated within time limits established by the Public Health Service based upon the kind of vaccine used, re-vaccination and restraint (leashing and confinement) for thirty days shall be carried out.

(g) In the event there are additional cases of rabies occurring during the period of quarantine, such quarantine may be extended for additional six-month periods.

(h) No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human being, except as herein provided, or remove such from the City limits without written permission from the City Board of Health Director.

(i) The carcass of any animal exposed to rabies shall upon demand be surrendered to the so-called "Utility Person" within the City Safety Forces, charged among various other duties with those of Animal Warden.

(j) The City Health Department shall direct the disposition of any animal found to be infected with rabies.

(k) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Public Service-Safety Director.

(Ord. 88-91. Passed 12-17-91.)

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

(Ord. 93-97. Passed 12-2-97.)

**505.15 ALL ANIMALS PROHIBITED IN FESTIVAL AREAS.**

For the purpose of public safety, all animals are prohibited in any festival, with the exception of authorized Safety Service animals, handicapped-assisting animals and animals participating in the parades as part of a registered parade entry.

(Ord. 18-2005. Passed 6-7-05.)

**505.99 PENALTY.**

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

**CHAPTER 509**  
**Disorderly Conduct and Peace Disturbance**

<b>509.01</b>	<b>Failure to disperse.</b>	<b>509.08</b>	<b>Proclamation.</b>
<b>509.02</b>	<b>Disorderly conduct; intoxication.</b>	<b>509.09</b>	<b>Termination.</b>
<b>509.03</b>	<b>Misconduct at an emergency.</b>	<b>509.10</b>	<b>Effect of other laws; habeas corpus.</b>
<b>509.04</b>	<b>Hours for construction, excavation.</b>	<b>509.11</b>	<b>Action by Council.</b>
<b>509.05</b>	<b>Suspicious persons.</b>	<b>509.12</b>	<b>Obedience to enforcement officers.</b>
<b>509.06</b>	<b>Unlawful congregation.</b>	<b>509.99</b>	<b>Penalty.</b>
<b>509.07</b>	<b>State of emergency for civil emergencies; Mayor's powers.</b>		

**CROSS REFERENCES**

See sectional histories for similar State law  
Use of force to suppress riot - see Ohio R.C. 2917.05  
Cordoning off riot areas, prohibiting sales of firearms and explosives - see Ohio R.C. 3761.16  
Emergency suspension of permits and sales by Director of Liquor Control - see Ohio R.C 4301.251

**509.01 FAILURE TO DISPERSE.**

(a) Where five or more persons are participating in a course of disorderly conduct in violation of Section 509.02, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.

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

(c) Whoever violates this section is guilty of failure to disperse, a minor misdemeanor. (ORC 2917.04)

**509.02 DISORDERLY CONDUCT; INTOXICATION.**

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

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;
- (3) Insulting, taunting or challenging another, under circumstances in which such conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway or right of way, or to, from, within or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;
- (5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender, the same including but not being restricted to the acts of urination and of defecation upon the part of any person, in any public place or on the property of another except in a proper receptacle designated for such purpose in a restroom. (Ord. 5-83. Passed 1-4-83.)

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

- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that effect on others;
- (2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another.

(c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.

(d) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof. (ORC 2917.11)

(e) Whoever violates this section is guilty of disorderly conduct, a minor misdemeanor. (Ord. 93-97. Passed 12-2-97.)

**509.03 MISCONDUCT AT AN EMERGENCY.**

(a) No person shall knowingly:

- (1) Hamper the lawful operations of any law enforcement officer, fireman, rescuer, medical person or other authorized person, engaged in his duties at the scene of a fire, accident, disaster, riot or emergency of any kind.
- (2) Fail to obey the lawful order of any law enforcement officer engaged in his duties at the scene of or in connection with a fire, accident, disaster, riot or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of his duties.  
(ORC 2917.13)

(c) Whoever violates this section is guilty of misconduct at an emergency, a minor misdemeanor. (Ord. 93-97. Passed 12-2-97.)

#### **509.04 HOURS FOR CONSTRUCTION, EXCAVATION.**

(a) No person shall cause or permit the construction, demolition, excavation, alteration or repair of any building in a residential or business district other than between the hours of 6:00 a.m. and 9:00 p.m., except in cases of the interest of public safety, and then only with a permit from the Director of Service-Safety.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 93-97. Passed 12-2-97.)

#### **509.05 SUSPICIOUS PERSONS.**

No suspicious persons shall be within the Municipality. The following persons shall be deemed suspicious persons:

- (a) Any person who begs and lives idly and without visible means of support. This subsection does not prevent persons connected with any charitable or religious institution from soliciting for or in behalf of such institution.
- (b) Any person who has possession or custody of any instrument, tool or other implement that may reasonably be inferred to have been designed for or be employed in the commission of any felony or misdemeanor and who cannot give a reasonable account for such possession or custody.
- (c) Any person who occupies, for the purpose of lodging or sleeping, any building, vehicle, railroad car, vacant lot or other place other than such as is normally provided for that purpose, without the consent of the owner or person entitled to possession thereof.
- (d) Any person who keeps, operates, resides in, frequents or loiters in or around, or is employed in any place of prostitution, lewdness or assignation, or gambling establishment or place where intoxicating liquor is sold without a license.
- (e) Any person who is a vagrant, common street beggar, common prostitute, habitual disturber of the peace, known pickpocket, gambler, burglar, thief or who practices any trick, game or device with intent to swindle, or who abuses his family, or any suspicious person who cannot give a reasonable account of himself.  
(ORC 715.55)
- (f) Whoever violates this section is guilty of a minor misdemeanor.

#### **509.06 UNLAWFUL CONGREGATION.**

(a) No person shall congregate with others on the sidewalk, street corner or within the parks or public grounds, with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned by the serious annoyance to pedestrians or by threatening, insulting or abusive conduct, and refuse to move on when ordered by a police officer.  
(Ord. 66-92. Passed 8-18-92.)

(b) Whoever violates this section is guilty of unlawful congregation, a minor misdemeanor. (Ord. 93-97. Passed 12-2-97.)

**509.07 STATE OF EMERGENCY FOR CIVIL EMERGENCIES; MAYOR'S POWERS.**

Whenever the Mayor determines that an emergency exists as a result of any natural disaster or man-made calamity, or clear and present danger thereof, or riot, or insurrection, mob action or other civil disturbance causing danger of injury or damage to any person or property, the Mayor shall have the power to impose by proclamation any or all of the following regulations necessary to restore peace and order to the City:

- (a) Prohibit or limit the number of persons who may gather or congregate upon the public streets, highways, sidewalks or any outdoor place, or in any theatre, restaurant, place of public assembly or commercial establishment to which the public has access;
- (b) Restrict or prohibit movement within, above or beneath any danger or emergency;
- (c) Establish a curfew during such hours of the day or night as he/she deems advisable and prohibit persons from being out of doors during such curfew;
- (d) Prohibit or restrict the retail sale, distribution or giving away of gasoline or other flammable liquid or any other flammable or combustible product in any container other than a gasoline tank properly affixed to a motor vehicle;
- (e) Order the closing of gasoline stations and other establishments engaged in the retail sale, distribution or dispensing or giving away of flammable liquid or any other flammable or combustible product;
- (f) Prohibit or restrict the sale, distribution, dispensing or giving away of any firearms or ammunition of any character whatsoever;
- (g) Order the closing of any and all establishments, or portions thereof, engaged in the sale, distribution, dispensing or giving away of firearms and/or ammunition;
- (h) Prohibit or restrict the carrying or possession on the public streets or sidewalks or in any public park or square or any other public place a weapon or object intended to be used as a weapon, including but not limited to firearms, bows and arrows, air rifles, slingshots, knives, razors, broken bottles, fire bombs, missiles of any kind, clubs, blackjacks, billies, chains or similar items;
- (i) Prohibit or restrict the retail sale, distribution, dispensing or giving away of acids, caustics or any chemicals or other substances capable of being used singly or in combination to cause injury or damage to persons or property.
- (j) Call upon regular and auxiliary law enforcement agencies within the City, upon the Sheriff of Crawford County or the sheriff of any adjoining county, upon the mayor or other chief executive of any municipal corporation within Crawford County or any adjoining county, upon the chairman of the board of township trustees of any township within Crawford County or any adjoining county, to furnish such law enforcement or fire protection personnel, or both, together with appropriate equipment and apparatus, as may be necessary to preserve the public peace and protect persons and property within the City, as provided by Ohio R.C. 737.10;
- (k) Prohibit the sale of beer, wine and intoxicating liquor.  
(Ord. 12-94. Passed 2-15-94.)

**509.08 PROCLAMATION.**

(a) When the Mayor determines that an emergency exists as set forth in Section 509.07, he/she shall forthwith in writing declare the existence of the same and the time of its inception, and shall issue a proclamation therefor to the public through the news media and such other means of dissemination as he/she deems advisable.

(b) After such proclamation is issued, the Mayor may, in his/her discretion as he/she deems necessary to the public safety:

Delineate the boundaries of any area of the City threatened by any natural disaster or man-made calamity, or where there is believed by him/her to exist a clear and present danger, or riot, insurrection, mob action or other civil disturbance causing danger of injury or damage to any person or property, and restrict or prohibit the movement of persons into, from or within such area.

(Ord. 12-94. Passed 2-15-94.)

#### **509.09 TERMINATION.**

Any emergency proclaimed in accordance with the provisions of this chapter shall terminate either after passage of a period of seventy-two hours following its inception or upon the issuance of a proclamation by the Mayor advising that an emergency is deemed to exist, whichever occurs first.

However, such emergency may be extended for such additional periods of time as may be determined necessary by the Mayor.

(Ord. 12-94. Passed 2-15-94.)

#### **509.10 EFFECT OF OTHER LAWS; HABEAS CORPUS.**

The powers conferred by this chapter are in addition to any other power which may be conferred by federal law, state statute or City ordinance, and nothing in this chapter shall be construed to modify or limit such authority, powers, duties and responsibilities of any officer or public official as may be provided by law.

Nothing in this chapter shall be construed to permit suspension of the privilege to a writ of habeas corpus. (Ord. 12-94. Passed 2-15-94.)

#### **509.11 ACTION BY COUNCIL.**

Upon the determination that an emergency as set forth in Section 509.07 exists, the Mayor shall forthwith issue notice of a special meeting of Council to be held within twenty-four hours of the time of the proclamation of emergency as set forth in Section 509.08.

Council may, by vote of a majority of the members elected thereto, terminate the emergency proclaimed by the Mayor or limit the regulations imposed by the Mayor pursuant to Section 509.07. Upon termination of the emergency by Council, the Mayor shall forthwith proclaim that the emergency has ended and any regulation issued pursuant to Section 509.07 through Section 509.12 shall then become void.

A majority of Council, at a regular or special meeting called by any member thereof, and upon notice in writing served upon each member present in the City, may initiate the declaration of an emergency and direct the Mayor to act in accordance with the provisions of Section 509.07 through Section 509.12.

(Ord. 12-94. Passed 2-15-94.)

#### **509.12 OBEDIENCE TO ENFORCEMENT OFFICERS.**

No person shall fail to obey the lawful order of any police officer, militiaman, fireman, member of the National Guard or other authorized person acting under orders or authority issued under the provisions of Section 509.07 through Section 509.12.

(Ord. 12-94. Passed 2-15-94.)

#### **509.99 PENALTY.**

Whoever violates Section 509.07 and/or Section 509.12 is guilty of a minor misdemeanor.



**CHAPTER 511**  
**Noise Control**

**511.01 General prohibitions.**

**511.99 Penalty.**

**CROSS REFERENCES**

Disturbing the peace - see GEN. OFF. 509.02  
Construction noise - see GEN. OFF. 509.04

**511.01 GENERAL PROHIBITIONS.**

(a) No person shall generate or permit to be generated unreasonable voice or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a sound amplification system or by any horn, drum, piano or other musical or percussion instrument.

It is prima facie unlawful for a person to generate or permit to be generated sound by the above described devices or instruments on private property between the hours of 11:00 p.m. and 8:00 a.m. of the following day in a predominantly residential area when the sound is audible more than fifty feet from the property line of the property from which the sound is emanating.

(b) No person, being the owner or person in possession of premises or person in control of premises by reason of employment, agency, or otherwise, whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.

(c) No person shall operate a motor vehicle within the City, or equip a motor vehicle with or use any device so as to create a loud or excessive noise. Nothing herein shall be construed to prohibit the blowing of horns when necessary to prevent an accident or the use of sirens or similar devices on authorized emergency vehicles.

(d) No operator or passenger of a motor vehicle shall operate, or permit the operation of any sound amplification system which can be heard outside the vehicle from fifty or more feet when the vehicle is present upon a street or highway.

(e) "Sound amplification system" includes any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of the human voice, music or any other noise or sound.

(f) It is an affirmative defense to a charge under this section that the person was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

- (1) The system is being operated to request medical or vehicular assistance or to warn of a hazardous road condition or to signal the existence of unsafe or dangerous situations;
- (2) The system is being used in a parade and the person or organization conducting the parade had obtained a parade permit from the appropriate City agency;
- (3) The vehicle was an emergency or public safety vehicle;
- (4) The vehicle was owned and operated by the City or a gas, electric, communications or water utility company.  
(Ord. 65-92. Passed 8-18-92.)

(g) No individual, association, partnership, or corporation shall make, cause or continue to permit any unreasonable noise disturbances. For the purpose of this paragraph, noise disturbance is defined as any man made sound that endangers or injures the safety or health of humans, or annoys or disturbs a reasonable person of normal sensitivities.  
(Ord. 12-96. Passed 2-20-96.)

**511.99 PENALTY.**

Whoever violates any provisions of this chapter is guilty of generating unreasonable noise and a minor misdemeanor.  
(Ord. 93-97. Passed 12-2-97.)

**CHAPTER 513**  
**Drug Abuse Control**

**513.01 Drug abuse; controlled substance possession or use.**

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)

**513.01 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.**

(a) No person shall knowingly obtain, possess or use less than one hundred grams of marihuana.

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

- (1) Manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731 and 4741 or Ohio R.C. 4723.56.
- (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
- (3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 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;
- (4) Any person who obtained the controlled substance pursuant to a prescription issued by a practitioner, where the drug is in the original container in which it was dispensed to such person.

(c) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

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

(ORC 2925.11)

**CHAPTER 515**  
**Fair Housing**

<b>515.01</b>	<b>Policy.</b>	<b>515.05</b>	<b>Fair Housing Board.</b>
<b>515.02</b>	<b>Definitions.</b>	<b>515.06</b>	<b>Procedures and enforcement.</b>
<b>515.03</b>	<b>Unlawful housing practices.</b>	<b>515.07</b>	<b>Scope.</b>
<b>515.04</b>	<b>Posting of notices.</b>	<b>515.08</b>	<b>Other legal action.</b>

CROSS REFERENCES  
Fair housing - see Ohio R.C. Ch. 4112

**515.01 POLICY.**

It is hereby designated to be the policy of the City to do all things necessary and proper to secure for all its citizens their right to equal housing opportunities, regardless of their race, color, creed, sex, marital status, religious belief, national origin, age and handicap.  
(Res. 222-93. Passed 4-6-93.)

**515.02 DEFINITIONS.**

As used in this chapter, the following terms shall have the following meanings:

- (a) "Real estate agent" includes any real estate broker, real estate salesman or an agent thereof, or any other person, partnership, association or corporation who for consideration sells, purchases, exchanges, rents, negotiates, offers or attempts to negotiate the sale, purchase, exchange or rental of real property or holds himself/herself out as engaged in the business of selling, purchasing, exchanging, renting, or otherwise transferring any interest in real property.
- (b) "Board" means the Board of the City of Bucyrus, Ohio, which is hereby designated and appointed as the Fair Housing Board.
- (c) "Discrimination", "discriminating" or "discriminate" means to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, creed, sex, marital status, religious belief, national origin, age or handicap.
- (d) "Housing" includes any building, facility or structure or part thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more persons, groups or families and any vacant land offered for sale or lease for the construction or location thereon of such building, facility or structure.
- (e) "Lending institution" means any bank, insurance company, savings and loan association, or any other person or organization regularly engaged in the business of lending money or guaranteeing loans.

- (f) “Person” means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
- (g) “Handicap” means, with respect to a person:
  - (1) A physical or mental impairment which substantially limits one or more of such person’s major life activities;
  - (2) A record of having such an impairment; or
  - (3) Being regarded as having such an impairment, but “handicap” does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)).
- (h) “Familial status” means one or more individuals (who have not attained the age of eighteen years) being domiciled with:
  - (1) A parent or another person having legal custody of such an individual or individuals; or
  - (2) The designee of such parent or other persons having such custody, with the written permission of such parent or other person.The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant, or in the process of securing legal custody of any individual who has not attained the age of eighteen.  
(Res. 222-93. Passed 4-6-93.)

### **515.03 UNLAWFUL HOUSING PRACTICES.**

It shall be unlawful housing practice and a violation of this chapter:

- (a) For any person or real estate agent:
  - (1) To discriminate against any person in the selling, leasing, subleasing, renting, assigning or otherwise transferring of any interest in a housing unit;
  - (2) To discriminate against any person by refusing to negotiate, making false representations on the availability of the housing unit which is for sale, lease, sublease, or rental;
  - (3) To include the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing;
  - (4) To discriminate in the furnishing of any facilities, repairs, improvements or services or in the terms, conditions, privileges or tenure of occupancy of any person.
- (b) For any lending institution to discriminate in lending money, guaranteeing loans, accepting a deed or trust or mortgage or otherwise making available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any housing or discriminate in the fixing of the rates, terms, conditions or provisions of any such financial assistance.  
(Res. 222-93. Passed 4-6-93.)

**515.04 POSTING OF NOTICES.**

Every real estate agent shall post in a conspicuous location in that portion of his/her business normally used by him/her for negotiating the terms of a sale or lease of housing, and each person who operates a multi-unit residential building containing more than two units shall post at all times when prospective tenants are being interviewed, in a conspicuous location in that portion of his housing business normally used by him/her for negotiating the rental of a housing unit therein, a notice prepared by the Board which contains the following language printed in black on a light-colored background, in not less than fourteen-point type:

It is a violation of Title VIII of the Civil Rights Act of 1968 which includes the "Fair Housing Amendment Act of 1988" for any real estate agent, or for any person owning or managing a multi-unit apartment dwelling to:

- (1) Deny housing to any person because of race, color, creed, sex, marital status, religious belief, national origin, age, handicap or familial status;
- (2) Discriminate against any person because of that person's race, color, creed, sex, marital status, age, religious belief, national origin, handicap or familial status with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE CITY OF BUCYRUS, OHIO, FAIR HOUSING BOARD, THE OHIO CIVIL RIGHTS COMMISSION OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(Res. 222-93. Passed 4-6-93.)

**515.05 FAIR HOUSING BOARD.**

It shall be the responsibility of the Fair Housing Board:

- (a) To investigate all complaints of unlawful housing practices which are filed with it;
- (b) To initiate complaints of unlawful housing practices on the basis of auditing or testing carried out by its staff or volunteers authorized by the Board;
- (c) To endeavor by conciliation to resolve such complaints;
- (d) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the procurement or examination of any books or papers relating to any matter under investigation or in questions before the Board;
- (e) To commend to the Board, when it deems necessary, educational and other programs designed to promote the purposes stated in this chapter;
- (f) To adopt rules and procedures for the conduct of its business;
- (g) To do such other acts that are necessary and proper in order to perform those duties with which it is charged under the terms of this chapter.

(Res. 222-93. Passed 4-6-93.)

**515.06 PROCEDURES AND ENFORCEMENT.**

(a) Any person subjected to an unlawful housing practice may file within 180 days of the alleged violation with the Board, a complaint in writing, sworn to or affirmed, which shall state the name and address of the person alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by the Board. The Board may also corroborate or initiate compliance on the basis of testing carried out by its staff or volunteers authorized by the Board.

(b) Upon the filing of a complaint, the executive secretary of the Board shall make such investigation as he/she deems appropriate to ascertain facts and issues. If the executive secretary shall determine that there are reasonable grounds to believe a violation has occurred, he shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such initial conference shall be made public by the Board or any member of the Board or its staff unless the parties agree thereto in writing.

(c) The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Consent agreements shall be signed on behalf of the Board by its chairperson.

(d) The Board is authorized to seek the cooperation and aid of the Ohio Real Estate Board or the Ohio Civil Rights Commission in any investigation under this chapter.

(e) If the executive secretary determines that the complaint lacks reasonable grounds upon which to base a violation of this chapter, he/she shall so inform the Board and the Board may in its discretion dismiss such complaint or order such further investigation as may be necessary; provided, that the Board shall not dismiss such complaint without first affording to complainant an opportunity to appear before the Board.

(f) If the executive secretary, with respect to a matter which involves a violation of this chapter, fails to conciliate a complaint after the parties have in good faith attempted such conciliation, fails to effect a conciliation agreement or a formal consent agreement or determines that a complaint is not susceptible of conciliation, he/she shall notify the Board immediately and the Board shall thereafter schedule a public hearing to determine whether a violation of this chapter has been committed. The Board shall serve upon the respondent a statement of charges and a summons and shall serve upon all interested parties a notice of the time and place of hearing. The respondent or his/her authorized counsel may file such statements with the Board prior to the hearing date as it deems necessary in support of its position. The hearing shall be open to the public, except that the respondent may request in writing a private hearing; the determination of such request shall be discretionary with the Board. The hearing shall be held not less than fifteen days after service of the statement of charges and summons. The summons so issued must be signed by two members of the Board and the issuance of such summons shall require the attendance of named persons and the production of relevant documents and records. The failure to comply with a summons shall constitute a violation of this chapter. The interested parties may, at their option, appear before the Board in person or by duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation. The executive secretary shall keep a full record of the hearing, which record shall be public and open to inspection by any person, and upon request by any principal party to the proceeding, the Board shall furnish such party a copy of the hearing record, if any, at such cost as the Board deems appropriate.

(g) If at the conclusion of the hearing, the Board shall determine upon the preponderance of the evidence that the person complained against has violated this chapter, the Board shall, after consultation with the Prosecutor in executive session, state its findings to and cause the Prosecutor to prepare and issue an order under Board directive requiring the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purposes of this chapter, with notice that if the Board determines that the person complained against has not after fifteen days following service of the Board's order complied with the order, the Board will recertify the matter to the Prosecutor for enforcement.

(h) Upon recertification to the Prosecutor for enforcement, he shall seek compliance by appropriate civil action brought in the name of the Fair Housing Board before a court of competent jurisdiction. In any such proceeding, where the court determines that there has been a violation of this chapter, the court shall award compensatory damages and, where appropriate, punitive damages, along with attorney fees. The court may also order such other relief as it deems necessary or appropriate.

(i) If, at the conclusion of the hearing, the Board shall determine upon the preponderance of the evidence of the record that the person complained against has not violated this chapter, the Board shall state and publish its findings and issue its order dismissing the complaint. (Res. 222-93. Passed 4-6-93.)

#### **515.07 SCOPE.**

The provisions of this chapter shall apply to all housing located within the territorial limits of the City under the jurisdiction of its Fair Housing Board.  
(Res. 222-93. Passed 4-6-93.)

#### **515.08 OTHER LEGAL ACTION.**

Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he/she might otherwise be entitled or from filing any complaint with any other agency or court of law or equity.  
(Res. 222-93. Passed 4-6-93.)



**CHAPTER 517**  
**Gambling**

**517.01 Public gaming.**

**CROSS REFERENCES**

See sectional histories for similar State law  
Lotteries prohibited; exception - see Ohio Const., Art. XV,  
Sec. 6  
Contributing to delinquency of minors - see Ohio R.C. 2151.41  
Search warrants - see Ohio R.C. 2933.21(E)  
Licensing charitable bingo games - see Ohio R.C. 2915.08

**517.01 PUBLIC GAMING.**

(a) No person, while at a hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort shall make a bet or play any game of chance.

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

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

(d) Whoever violates this section is guilty of public gaming, a minor misdemeanor.

(e) Premises used or occupied in violation of subsection (b) hereof constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767.  
(ORC 2915.04)



**CHAPTER 521**  
**Health, Safety and Sanitation**

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| <p><b>521.01</b> Barricades and warning lights; abandoned excavations.</p> <p><b>521.02</b> Sidewalk obstructions; damage or injury.</p> <p><b>521.03</b> Abating nuisances; sidewalk repair and construction.</p> <p><b>521.04</b> Duty to keep sidewalks in repair and clean.</p> <p><b>521.05</b> Fences.</p> | <p><b>521.06</b> Prohibiting tattooing and/or body piercing services performed by temporary mobile units and time limited basis facilities.</p> <p><b>521.07</b> Prohibited burning of garbage, rubbish, leaves, grass and discarded building materials.</p> |
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**CROSS REFERENCES**

See sectional histories for similar State law  
 Flagpole installation in sidewalk - see Ohio R.C. 723.012  
 Excavation liability - see Ohio R.C. 723.49 et seq.  
 Removal of noxious weeds or litter - see Ohio R.C. 731.51 et seq.  
 Nuisances - see Ohio R.C. Ch. 3767

**521.01 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.**

- (a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.
- (b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.
- (c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material. (A.O.)
- (d) Whoever violates any provision of this section shall be fined not more than one hundred dollars (\$100.00) a day. Each day's continued violation shall constitute a separate offense. (Ord. 85-99. Passed 11-2-99.)

**521.02 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.**

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no such case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition. (A.O.)

(f) Whoever violates any provision of this section shall be fined not more than one hundred dollars (\$100.00) a day. Each day's continued violation shall constitute a separate offense. (Ord. 85-99. Passed 11-2-99.)

**521.03 ABATING NUISANCES; SIDEWALK REPAIR AND CONSTRUCTION.**

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:

- (1) To construct or repair sidewalks, curbing or gutters as provided in Ohio R.C. 729.02 et seq.
- (2) To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.  
(Ord. 44-77. Passed 9-20-77.)

(b) Whoever violates any provision of this section shall be fined not more than one hundred dollars (\$100.00) a day. Each day's continued violation shall constitute a separate offense. (Ord. 85-99. Passed 11-2-99.)

**521.04 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.**

(a) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance. (ORC 723.011)

(b) No person, resident or private contractor shall throw, place or deposit, or permit to be thrown, placed or deposited, or permit to remain, in any manner whatsoever, any ice or snow on public land, a lot, easement, sidewalk, street or street right of way which originated on private property. (Ord. 68-96. Passed 8-20-96.)

(c) Whoever violates any provision of this section shall be fined not more than one hundred dollars (\$100.00) a day. Each day's continued violation shall constitute a separate offense. (Ord. 85-99. Passed 11-2-99.)

#### **521.05 FENCES.**

(a) Property owners are permitted to construct a fence in their property with the following material:

- (1) Wood/split rail.
- (2) Steel/steel mesh commonly referred to as cyclone.
- (3) Vinyl.
- (4) Bushes, trees, shrubs.

(b) Property owners are not permitted to construct a fence in their property with the following materials:

- (1) Rubber.
- (2) Tire or recycled tire material.
- (3) Garbage. (Ord. 8-97. Passed 1-21-97.)
- (4) Wire, barbed wire, industrial cable, except for barbed wire which may be used along the top of fences which are at least six feet high measured from the ground or measured from the bottom of the fence located on industrial or City owned property for security purposes and only with approval by the Service-Safety Director on a per case basis. (Ord. 36-99. Passed 5-4-99.)
- (5) Fences charged with electrical kind current.

(c) Fences running along alleys shall be erected no less than three feet from said alley.

(d) In the event the adjacent neighbors enter into a signed written agreement, fences can be constructed alongside existing property lines. A copy of such agreement shall be provided to the City Engineer's Office.

(e) No fences shall be constructed on any City right-of-way or easements. No fence may be constructed as to block, or prohibit operations of the Fire Department or access to the fire hydrant. (Ord. 8-97. Passed 1-21-97.)

(f) Whoever violates any provision of this section shall be fined not more than one hundred dollars (\$100.00) a day. Each day's continued violation shall constitute a separate offense. (Ord. 85-99. Passed 11-2-99.)

#### **521.06 PROHIBITING TATTOOING AND/OR BODY PIERCING SERVICES PERFORMED BY TEMPORARY MOBILE UNITS AND TIME LIMITED BASIS FACILITIES.**

(a) Definitions:

- (1) Board of Health. The Board of Health of a City or general health district or the authority having the duties of a Board of Health under Section 3709.05 of the Revised Code.
- (2) Body Piercing. The piercing of any part of the body by someone other than a physician licensed under Chapter 4731 of the Revised Code, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

- (3) Business. Any entity that provides services for compensation.
- (4) Premises. The physical location of a body piercing establishment or tattoo establishment.
- (5) Tattoo. Any method utilizing needles or other instruments by someone other than a physician licensed under Chapter 4731 of the Revised Code, to permanently place designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink or any other substance resulting in an alteration of the appearance of the skin.

(b) No person shall operate a business that offers tattooing or body piercing services unless the Board of Health has approved the business under Section 3730.03 of the Revised Code and that premises maintains a fixed location on a permanent basis.

(c) No person shall perform a tattooing or body piercing procedure in a manner that does not meet the safety and sanitation standards established by the Ohio Revised Code and rules adopted pursuant to the Ohio Revised Code.

(d) No part of this section shall apply to tattoos and/or other forms of identification made to animals for the purpose of identification, ownership or lineage.

(e) No part of this section shall apply to properly licensed physicians or properly licensed medical professionals who routinely pierce bodies via inoculation, lancing or routine surgery which may result in scarring.

(f) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 12-2008. Passed 2-19-08.)

**521.07 PROHIBITED BURNING OF GARBAGE, RUBBISH, LEAVES,  
GRASS AND DISCARDED BUILDING MATERIALS.**

(a) Definitions.

- (1) "Garbage" means all putrescible (meaning to become putrid) waste, including kitchen refuse, vegetable discard, and animal offal and refuse or anything whatsoever that may decompose and become a nuisance or a danger to public health.
- (2) "Rubbish" means any paper, boxes, cans, bottles, articles of apparel, and all other forms of discarded material.

(b) No person shall burn any of the following:

- (1) Garbage.
- (2) Rubbish.
- (3) Leaves.
- (4) Grass.
- (5) Discarded building materials.
- (6) Anything prohibited by Ohio Administrative Code Section 3745-19; or
- (7) Anything causing a hazard to the public.

(c) Whoever violates any provision of this section shall be fined not more than one hundred dollars (\$100.00). Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 18-2009. Passed 6-16-09.)

**CHAPTER 522**  
**Weeds, Grasses and Other Vegetation**

**522.01 Definitions.****522.02 Required cutting; tax lien.**

## CROSS REFERENCES

Power to abate nuisances - see Ohio R.C. 715.44

Notice to cut noxious weeds - see Ohio R.C. 731.51 et seq.

**522.01 DEFINITIONS.**

(a) "Noxious weeds" means any plant which during its life cycle can be injurious to people or produce pollen or mature seeds which disperse by currents of air and may produce discomfort to those who suffer allergic reactions to such pollen or may spread to neighboring lots or properties and establish itself, or any other poisonous plant such as ragweed, poison ivy, briars, etc. (Ord. 31-83. Passed 8-16-83.)

(b) "Noxious weeds" includes any ground vegetation cover, other than formal crops or vegetables, floral or other domestic plants in season, which exceed a height of nine inches, or more, above the surrounding ground surface.  
(Ord. 92-92. Passed 11-3-92.)

(c) "Service-Safety Director" means the actual person occupying the position of Service-Safety Director of the City or his authorized representative.  
(Ord. 31-83. Passed 8-16-83.)

**522.02 REQUIRED CUTTING; TAX LIEN.****(a) Noxious Weeds, Grasses and Other Types of Vegetation to be Cut.**

- (1) Every owner, lessee, agent or tenant having charge of or responsibility for maintenance of lots of lands within the Municipality shall be required to cut noxious weeds, grasses and other types of vegetation growing thereupon.
- (2) Every owner, lessee, agent or tenant having charge of or responsibility for maintenance of lots of lands described in this section shall be required to cut all such weeds and vegetation such as Russian, Canadian or common thistle, wild parsley, ragweed, goldenrod, milkweed and ironweed as well as all other weeds, grasses and other types of vegetation save and except for agricultural crops, growing or being upon the lots of land as aforesaid by cutting to a height not over six inches. Any growth of such noxious weeds, grasses and other vegetation, save and except for agricultural crops, over such height or reaching maturity uncut is hereby declared a nuisance.

(b) Notice to Owner to Cut. The Director of Public Service-Safety is hereby directed to monitor the growth of weeds, grasses and other types of vegetation upon all lands within the City continually during the growing months, and upon determination that weeds, grasses and other types of vegetation on any lands therein are, or are approaching such growth as indicated in subsection (a) hereof, so as to become injurious or harmful to the residents of the City, written notice thereof shall be served upon the owner, lessee, agent or tenant having charge of such lands, in accord with Ohio R.C. 731.51, to cut and destroy the weeds, grasses and other types of vegetation within five days of service of such notice.

If the owner or other person having charge of the land is a nonresident of the Municipal Corporation whose address is known, the notice shall be sent to his address by certified mail, return receipt requested. If the address of the owner or other person having charge of the land is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the County.

(c) Failure to Comply with Notice. Upon failure to comply with the notice in subsection (b) hereof within the prescribed time to cut and destroy noxious weeds, grasses and other types of vegetation, the Public Service-Safety Director shall immediately notify the Service Department of the location of such lands and the Service Department shall forthwith cut and destroy such weeds, grasses and other types of vegetation.  
(Ord. 39-85. Passed 12-17-85.)

(d) Costs. The Director of Public Service-Safety shall keep an accurate record of the cost of such cutting and shall immediately cause to be sent to the proper person a statement for such cost of each cutting required during the growing months which shall be immediately due and payable.

The minimum fee to be charged shall in no case be less than eighty dollars (\$80.00) per person for the first hour or portion thereof and sixty dollars (\$60.00) per person for each additional hour or portion thereof.

All payments received shall be credited to the General Fund. No payments shall be accepted after the certification to the County Auditor as hereinafter provided.

(e) Certification to County Auditor of Unpaid Cost for Lien Purposes. If the statement of costs referred to in subsection (d) immediately preceding is not paid within ten days of issuance, the Clerk of Council shall make a written return to the County Auditor of the City's action under this section and Ohio R.C. 731.51 to 731.53, with a statement of the charges for the services of the Service Department of the City, the amount paid for the performing of such labor as certified by the Service Department, the fees for officers who made the service and notice of return and a proper description of the premises. Such return to the County Auditor shall be for the purpose of having such amounts entered on the tax duplicate as a lien upon such lands in accord with the provisions of Ohio R.C. 731.54. (Ord. 20-2006. Passed 6-6-06.)

(f) Penalty. It is hereby determined that the growth of noxious weeds, grasses and other types of vegetation upon lands within the City not only poses a harmful or injurious threat to the health or physical well-being of the inhabitants of the City, but also poses a significant safety hazard and that anyone who violates this section, in addition to the assessment of costs for failure to comply with proper notice, is guilty of a minor misdemeanor.  
(Ord. 39-85. Passed 12-17-85.)

**CHAPTER 523  
Smoking on City Property**

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| <p><b>523.01 Definition.</b><br/><b>523.02 Use and smoking of all tobacco products banned.</b><br/><b>523.03 Posting of signs.</b></p> | <p><b>523.04 Ban use of all tobacco products within City-owned property.</b></p> |
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CROSS REFERENCES  
Illegal distribution of tobacco - see Ohio R.C. 2927.02

**523.01 DEFINITION.**

For the purposes of this chapter:  
“Smoking material” means any cigar, cigarette, pipe, weed, plant, narcotic or other smoking material in any form.  
(Ord. 50-94. Passed 7-5-94.)

**523.02 USE AND SMOKING OF ALL TOBACCO PRODUCTS BANNED.**

(a) The use and smoking of all tobacco products and other lighted smoking materials within the enclosed area of the City Hall are prohibited at all times.

(b) Whoever violates any provision of this section is guilty of a minor misdemeanor.  
(Ord. 62-94. Passed 8-16-94.)

**523.03 POSTING OF SIGNS.**

The Public Service-Safety Director shall be responsible for the erection or posting of signs or notices at all entranceways to the City Hall building advising that the use and smoking of all tobacco products and other lighted smoking materials are prohibited throughout the enclosed area of the building. (Ord. 62-94. Passed 8-16-94.)

**523.04 BAN USE OF ALL TOBACCO PRODUCTS WITHIN CITY-OWNED PROPERTY.**

(a) The use of any tobacco product within any City-owned building or shed is prohibited at all times, except where the department head with the consent of the Public Service Safety Director, shall designate a smoking area.  
(Ord. 19-00. Passed 3-21-00.)

(b) The use of any tobacco products on or in any City-owned equipment or vehicle is prohibited where the equipment or vehicle is designed to carry passengers and regularly carry passengers as part of the job requirement for the City, or in those cases where the vehicle does not regularly carry passengers, the use of any tobacco products on or in such vehicles is prohibited while the vehicle carries passengers.

(c) Whoever is found guilty of violating this section is guilty of a minor misdemeanor.  
(Ord. 77-96. Passed 9-3-96.)

**CHAPTER 525**  
**Law Enforcement and Public Office**

**525.01 Failure to aid a law enforcement officer.**

**525.02 Unauthorized display of law enforcement emblems on motor vehicles.**

CROSS REFERENCES  
See sectional histories for similar State law

**525.01 FAILURE TO AID A LAW ENFORCEMENT OFFICER.**

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

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

**525.02 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.**

(a) No person who is not entitled to do so shall knowingly display on a motor vehicle the emblem of a law enforcement agency or an organization of law enforcement officers.

(b) Whoever violates this section is guilty of the unlawful display of the emblem of a law enforcement agency or an organization of law enforcement officers, a minor misdemeanor. (ORC 2913.441)



**CHAPTER 529**  
**Liquor Control**

<b>529.01</b>	<b>Fences for beer gardens.</b>	<b>529.99</b>	<b>Penalty.</b>
<b>529.02</b>	<b>Temporary permits, Family Entertainment Area.</b>		

CROSS REFERENCES

See sectional histories for similar State law  
Prohibiting sale of intoxicating liquor on Sunday - see  
Ohio R.C. 4301.22(D)  
Local option - see Ohio R.C. 4301.32 et seq., 4303.29  
Disorderly conduct; intoxication - see GEN. OFF. 509.02

**529.01 FENCES FOR BEER GARDENS.**

(a) Every out-of-door beer garden within the corporate limits of the City where beer or intoxicating liquor in any form whatsoever is sold for on the premises consumption shall henceforth be completely enclosed by a durable fence not less than six feet in height, the same to be approved as erected by either the Chief of Police or by a duly authorized member of the City administration staff. Such erected enclosure shall have no less than two openings, each of which shall be no more than twelve feet in width and each of which shall be attended at all times when either beer or any other alcoholic beverage is being sold out-of-doors upon the premises, by at least one representative of the management to insure that all beer and alcoholic beverage containers shall be confined within the particular enclosed area.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 36-75. Passed 6-3-75.)

**529.02 TEMPORARY PERMITS, FAMILY ENTERTAINMENT AREA.**

(a) Establishment of a Family Entertainment Area in the historical district of Bucyrus. Such Family Entertainment Area shall include an area bounded on the North by Perry Street, on the South by Lucas Street, on the East by Walnut Street and on the West by Poplar Street.

(b) No beer or intoxicating liquor may be sold or consumed out doors by any holder of a temporary permit issued by the Ohio Department of Liquor Control within the established Family Entertainment Area. A temporary permit are those permits issued by the Ohio Department of Liquor Control that are valid for less than seven days. Permits defined under Ohio R.C. 4303.20 - 4303.202 are defined as temporary permits under this section. Those permits issued by the Ohio Department of Liquor Control for a period not to exceed seven days, Permit F, Permit F-1, Permit F-2 all meet the criteria of temporary permits. Such permits are defined under Ohio R.C. 4303.20, 4303.201 and 4303.202.

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

(d) Permanent sites that are covered by the primary liquor permit and meet the requirements of Section 529.01 are not covered under this section.  
(Ord. 39-97. Passed 6-3-97.)

**529.99 PENALTY.**

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

**CHAPTER 531  
Minor's Curfew**

**531.01 Definitions.**  
**531.02 Curfew hours.**

**531.03 Exceptions.**  
**531.04 Parental responsibility.**

**CROSS REFERENCES**

Contributing to child delinquency - see Ohio R.C. 2919.24

**531.01 DEFINITIONS.**

For the purposes of this chapter, the following terms, phrases, words and their derivatives have the meanings given herein.

- (a) "Minor" means any person under the age of eighteen years.
- (b) "Parent" means any person having legal custody of a minor:
  - (1) As a natural or adoptive parent,
  - (2) As a legal guardian,
  - (3) As a person who stands in loco parentis, or
  - (4) As a person to whom legal custody has been given by order of court.
- (c) "Public place" means any street, highway, alley or right of way, to include sidewalks; any park, playground, ground, place or building open to the public; any privately or publicly owned place of amusement, entertainment or public accommodation, to include parking lot and other areas adjacent thereto; and any vacant lot or land or, without the consent of the owner, any private property.
- (d) "Time of night" referred to herein, is based upon the prevailing standard of time, generally observed at that hour by the public in the Municipality, prima facie the time then observed in the Municipal Administrative offices and Police Station.
- (e) "Years of age" continues from one birthday, such as the seventeenth to, but not including the day of the next, such as the eighteenth birthday, making it clear that seventeen or less years of age is herein treated as equivalent to the phrase "under eighteen years of age". Similarly, for example, eleven or less years of age means under twelve years of age.  
(Ord. 34-90. Passed 1-15-91.)

**531.02 CURFEW HOURS.**

No person seventeen or less years of age shall be in or upon any public place every day during the period ending at 6:00 o'clock a.m. and beginning:

- (a) At 10:00 o'clock p.m. every day for minors twelve years or less of age;
- (b) At 12:00 o'clock midnight every day for minors thirteen through seventeen years of age.

(Ord. 34-90. Passed 1-15-91.)

**531.03 EXCEPTIONS.**

In the following exceptional cases a minor in or upon a public place during the nocturnal hours for which Section 531.02 is intended to provide the maximum limits of regulation shall not be considered in violation of this chapter:

- (a) When accompanied by a parent of such minor.
- (b) When accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area.
- (c) When exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering to the Police Department written communication signed by such minor and countersigned if practicable by a parent of such minor with his/her home address and telephone number, addressed to the Police Chief specifying when, where and in what matter the minor will be in a public place at night during the hours when this portion of this chapter is otherwise applicable to the minor in the exercise of a First Amendment right specified in such communication.
- (d) In case of reasonable necessity, but only after such minor's parent has communicated to the Police Department personnel the facts establishing such reasonable necessity and designating the minor's proposed location, route, purpose and the period of time the minor will be in or upon a public place.
- (e) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communication an objection to the police officer.
- (f) When returning home by a direct route from, and within thirty minutes of, the termination of a school activity, or an activity of a religious or other voluntary association, or which prior notice, indicating the place and probable time of termination, has been given in writing to, and duly filed for immediate reference by, the Chief of Police or the officer assigned by him on duty at the Police Station.
- (g) When authorized by special permit from the Mayor, carried on the person of the minor, when necessary nighttime activities of a minor may be inadequately provided for by other provisions of this portion of this chapter. A written application shall be given to the Mayor, signed by a minor and by a parent of such minor, if feasible, stating:
  - (1) The name, age and address of such minor;
  - (2) The name, address and telephone number of a parent thereof;
  - (3) The height, weight, sex, color of eyes and hair and other physical characteristics of such minor;
  - (4) The necessity which requires such minor be in or upon a public place during the curfew hours otherwise applicable; and
  - (5) The street or route and the beginning and ending of the period of time involved by date and hour;

The Mayor may grant a permit in writing for the use by the minor of those public places at such hours as in the Mayor's opinion may reasonably be necessary. In an emergency, this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Mayor, or if unavailable, to the Police Chief.

- (h) When authorized, by regulation issued by the Mayor, in other similar cases of reasonable necessity, similarly handled but adapted to necessary night-time activities of more minors that can be readily dealt with on an individual special permit basis. Normally such regulation by the Mayor permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as schools, and shall define the activity, the scope of use of public places permitted and the period of time involved, not to extend more than thirty minutes beyond the time for termination of such activity.
- (i) When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and place of employment and his hours of employment. (Ord. 34-90. Passed 1-15-91.)

**531.04 PARENTAL RESPONSIBILITY.**

(a) No parent having legal custody of a minor shall knowingly permit or by inefficient control allow such minor to be in or upon any public place under circumstances not constituting an exception to, or otherwise beyond the scope of this portion of this chapter. "Knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(b) It shall be an affirmative defense to this section that such parent within thirty days preceding the alleged violation filed, or caused to be filed, a complaint against such minor under Ohio R.C. 2151.27.  
(Ord. 34-90. Passed 1-15-91.)

(c) A parent who violates this section is guilty of a minor misdemeanor.  
(Ord. 93-97. Passed 12-2-97.)



**CHAPTER 537  
Offenses Against Persons**

**537.01 Abuse and misuse of the emergency 911 telephone system.**

**537.99 Penalty.**

CROSS REFERENCES

See sectional histories for similar State law  
Fighting; provoking violent response - see GEN. OFF. 509.02

**537.01 ABUSE AND MISUSE OF THE EMERGENCY 911 TELEPHONE SYSTEM.**

(a) No person, corporation or other entity of any type or kind whatsoever shall use, dial or otherwise activate the emergency telephone number sequence and system 9-1-1 or cause to be used, dialed or otherwise activated the emergency telephone system number sequence and system 9-1-1 other than to report an emergency situation or occurrence of the type and kind the reporting of which such emergency telephone number sequence and system was established and implemented.

(b) No person, corporation or other entity of any type or kind whatsoever shall knowingly use the telephone number of the 9-1-1 system to report an emergency if he/she/it knows that no emergency exists.

(c) This section shall in no way impair, hinder or prevent the enforcement of any and all other ordinances within the City.

(d) No person, corporation or other entity of any type or kind whatsoever shall program a pre-recorded message into a telephone, alarm or other dialing device to automatically dial the 9-1-1 system.  
(Ord. 45-92. Passed 6-2-92.)

(e) Any person, corporation or other entity of any type or kind whatsoever who/which violates any provision of this section shall be guilty of a minor misdemeanor.  
(Ord. 93-97. Passed 12-2-97.)

**537.99 PENALTY.**

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



**CHAPTER 545**  
**Theft and Fraud**

**545.01 Vehicle trespass.**

**CROSS REFERENCES**

See sectional histories for similar State law

**545.01 VEHICLE TRESPASS.**

(a) No person shall knowingly enter into or upon a motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(b) Whoever violates subsection (a) hereof is guilty of vehicle trespass, a minor misdemeanor.



**CHAPTER 549**  
**Weapons and Explosives**

**549.01 Discharging firearms, pellet guns, B.B. guns or other weapons.**

**549.02 Harassment by laser beams.**  
**549.99 Penalty.**

CROSS REFERENCES

See sectional histories for similar State law  
License or permit to possess dangerous ordnance - see Ohio R.C.  
2923.18  
Hunting prohibited - see GEN. OFF. 505.08

**549.01 DISCHARGING FIREARMS, PELLET GUNS, B.B. GUNS OR OTHER WEAPONS.**

(a) No person shall discharge any firearm, pellet gun or B.B. gun of whatever kind, air gun, spring gun, sling gun, crossbow or arrow from a bow within the City, except those that are legally authorized to do so by the Laws of the State and except regularly organized gun clubs and commercial indoor archery ranges where shooting will be on grounds or in buildings provided for that purpose as set forth by standards in the industry.  
(Ord. 9-96. Passed 2-6-96.)

(b) Whoever violates this section by the discharge of a firearm of whatsoever kind within the City is guilty of a fourth degree misdemeanor for a first offense and of a third degree misdemeanor for any such subsequent offense.  
(Ord. 6-87. Passed 3-3-87.)

(c) Whoever violates this section by the discharge of a pellet gun, or B.B. gun of whatsoever kind as distinguished from a firearm, a slingshot, crossbow or arrow from a bow is guilty of a minor misdemeanor.  
(Ord. 93-97. Passed 12-2-97.)

**549.02 HARASSMENT BY LASER BEAMS.**

(a) No person shall focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass or annoy said person or animal.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 37-99. Passed 5-4-99.)

**549.99 PENALTY.**

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



**CHAPTER 553**  
**Railroads**

**553.01 Climbing upon railroad cars.                      553.99 Penalty.**  
**553.02 Speed of trains.**

**CROSS REFERENCES**

See sectional histories for similar State law  
Lighting railroads - see Ohio R.C. 723.33 et seq.  
Power to regulate train speed - see Ohio R.C. 723.48

**553.01 CLIMBING UPON RAILROAD CARS.**

(a) No person shall climb, jump, step or stand upon or cling or attach himself to a locomotive, engine or car upon the track of a railroad, unless in compliance with law or by permission under the rules of the corporation managing such railroad.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4999.02)

**553.02 SPEED OF TRAINS.**

(a) No person, engineer, conductor or railroad company shall run any locomotive or railroad car on any railroad track within the City at a greater rate of speed than thirty-five miles an hour.

(b) Any person, engineer, conductor or railroad company violating the provisions of this section shall be subject to a civil action as provided in Ohio Revised Code Section 723.48.

**553.99 PENALTY.**

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