

## WEED CONTROL

### *City of Sidney*

#### CHAPTER 553

##### Weeds

- 553.01 Cutting required.
- 553.02 Notice to cut.
- 553.03 Failure to comply.
- 553.04 Procedure when owner fails to comply with notice.
- 553.05 Responsibility of adjacent owner.
- 553.06 Application of chapter.
- 553.99 Penalty.

##### CROSS REFERENCE

Littering - see GEN. OFF. 521.08

##### 553.01 CUTTING REQUIRED.

(a) The owner or occupant, or any other person, firm or corporation, having the care of any lot or land within the City shall cut down and remove therefrom all offensive and noxious weeds, vines and grass of a height of twelve inches or more and any and all weeds, vines, and grass constituting a threat to the public health, safety, comfort or welfare. (Ord. A-1554. Passed 3-24-86.)

(b) It is a prima-facie violation of this chapter if weeds twelve inches or more in height exist on any lot on any of the following dates: May 1, May 15, June 1, June 15, July 1, July 15, August 1, August 15, September 1, September 15 or October 1. (Ord. A-1995. Passed 4-24-95.)

(c) The City Manager shall cause an annual notice to be published in a newspaper of general circulation in the County notifying the residents of the requirement of this chapter. (Ord. A-1554. Passed 3-24-86.)

##### 553.02 NOTICE TO CUT.

(a) When the City Manager or his designated agent determines that such weeds, as described in Section 553.01(a), exist on one of the days set forth in Section 553.01(b), he shall forthwith serve written notice upon the owner or occupant, or any other person, firm or corporation, having the care of such lot or land, ordering the cutting and removal of such weeds and noxious grasses.

(b) 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) Only one notice per calendar year under subsections (a) or (b) hereof is required for a lot or parcel. If, after a notice has been served in accordance with this section, the City Manager, or his designated agent, determines that a subsequent violation has occurred, the City may proceed with the remedy set forth in Section 553.04 without further notice. (Ord. A-1554. Passed 3-24-86.)

##### 553.03 FAILURE TO COMPLY.

No owner, occupant or any other person, firm or corporation, having the care of a lot or land, shall fail to comply with the notice provided for in Section 553.02 within five days from the receipt thereof. (Ord. A-1554. Passed 3-24-86.)

##### 553.04 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

(a) If the owner, occupant or any other person, firm or corporation, having the care of the lands mentioned in Section 553.01(a), fails to comply with the notice provided for in Section 553.02, the City shall cause such noxious weeds and grass to be cut and removed. Such cutting and removing shall be at the owner's expense and the costs, together with an administrative fee of twenty percent (20%) shall be assessed against the lot or land. Such administrative fee shall not exceed two hundred dollars (\$200.00).

(b) Notice of such assessment shall be given to the owner of the lot or land charged therewith, or his agent, either in person or left at the usual place of residence or sent by mail, and all assessments not paid within ten days after the giving of such notice shall, after approval by Council, be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected. (Ord. A-1554. Passed 3-24-86.)

##### 553.05 RESPONSIBILITY OF ADJACENT OWNER.

The owner, occupant or custodian of each lot adjacent to a street or alley shall be responsible for the area between the curb and sidewalk, or between the edge of the street and the property line where there

is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line. (Ord. A-1379. Passed 4-6-81.)

553.06 APPLICATION OF CHAPTER.

The provisions of this chapter shall apply to those areas which are within seventy-five feet of any property line which includes a residence or place of business, or within twenty-five feet of the edge of the pavement along any road frontage of any lot or parcel which does not include a residence or place of business.

(Ord. A-1995. Passed 4-24-95.)

553.99 PENALTY.

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

## NOISE CONTROL

*City of North Royalton*

### CHAPTER 634

#### Noise Control

- 634.01 Title.
- 634.02 Definitions.
- 634.03 Noise disturbances prohibited.
- 634.04 Specific prohibitions.
- 634.05 Maximum permissible sound levels by receiving land use.
- 634.06 Exemptions.
- 634.07 Motor vehicles and motorcycles on public rights of way.
- 634.08 Immediate threats to health and welfare.
- 634.09 Inspections of private property.
- 634.10 Stopping and testing motor vehicles and motorcycles.
- 634.11 Exceptions for emergencies.
- 634.12 Special variances.
- 634.13 Abatement orders.
- 634.14 Notice of violation.
- 634.15 Other remedies.

#### CROSS REFERENCES

"Peeling;" cracking exhaust noises - see TRAF. 432.35

Noisy mufflers - see TRAF. 438.21

Barking or howling dogs - see GEN. OFF. 618.07

Disturbing the peace - see GEN. OFF. Ch. 648

#### 634.01 TITLE.

This chapter shall be known and may be cited as the "Noise Control Ordinance of the City of North Royalton" or just the "Noise Control Ordinance."  
(Ord. 1980-144. Passed 9-16-81.)

#### 634.02 DEFINITIONS.

All terminology used in this chapter and not defined below shall be in conformity with applicable publications of the American National Standards Institute (ANSI) or its successor body. As used in this chapter:

- (1) "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(a) or dBA.
- (2) "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, excluding demolition, for or on public or private rights of way, structures, utilities or similar property.
- (3) "Decibel (dB)" means a unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).
- (4) "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- (5) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.
- (6) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (7) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

(8) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

(9) "Industrial area" means those areas so specified in the Zoning Code and Subdivision Regulations.

(10) "Motor vehicle" means every vehicle as defined in Section 402.20 of the Traffic Code.

(11) "Motorcycle" means every vehicle as defined in Section 402.21 of the Traffic Code.

(12) "Muffler or sound dissipative device" means a device for abating the sound of escaping bases of an internal combustion engine.

(13) "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(14) "Noise disturbance" means any sound which endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

(15) "Person" means any individual, association, partnership or corporation and includes any officer, employer, department, agency or instrumentality of a state or any political subdivision of a state.

(16) "Place of public entertainment" means any commercial facility open to the general public for purposes of entertainment.

(17) "Powered model vehicle" means any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designated to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

(18) "Public right of way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

(19) "Public space" means any real property or structure thereon which is owned or controlled by a governmental entity.

(20) "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(21) "Residential area" means those areas so specified in the Zoning Code and Subdivision Regulations.

(22) "Retail area" means those areas so specified in the Zoning Code and Subdivision Regulations.

(23) "RMS sound pressure" means the square root of the time averaged square of the sound pressure, denoted Prms.

(24) "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces, that causes compression and rarefaction of such medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(25) "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S14-1971), or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-weighting shall apply.

(26) "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

(27) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(28) "Sound pressure level" means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty micropascals ( $20 \times 10^{-6} \text{ N m}^{-2}$ ). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels.

(29) "Weekday" means any day, Monday through Saturday.

(Ord. 1980-144. Passed 9-16-81.)

#### 634.03 NOISE DISTURBANCES PROHIBITED.

(a) No person shall unreasonably make, continue, cause to be made or continued or permit any noise disturbance.

Noncommercial public speaking and public assembly activities conducted on any public space or public right of way are exempt from this section.

(b) Whoever violates this section is guilty of a minor misdemeanor, provided the violation is not committed willfully or knowingly, in which case it is a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

(Ord. 1980-144. Passed 9-16-81.)

#### 634.04 SPECIFIC PROHIBITIONS.

(a) No person shall commit any of the following acts or cause or permit the same to be committed:

(1) Animals and birds. Own, possess or harbor any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary;

(2) Places of public entertainment. Operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 95 dBA, as read by the slow response on a sound level meter, at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT";

(3) Explosives, firearms and similar devices. Use or fire explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right of way, without first obtaining a special variance therefor;

(4) Vehicle or motorboat repairs and testing. Repair, rebuild, modify or test any motor vehicle, motorcycle or motorboat in such manner as to cause a noise disturbance across a residential real property boundary;

(5) Adequate mufflers or sound dissipative devices.

A. Operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation;

B. Remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle; or

C. Discharge into the open air the exhaust of any steam engine, stationary internal combustion engine or motorboat, except through a muffler or other device in good working order and in constant operation;

(6) Motor vehicles.

A. Operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, between the hours of 9:00 p.m. and 8:00 a.m. the following day; or

B. Race the motor of any vehicle unnecessarily or operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the pavement or other surface, commonly called "peeling";

(7) Loading and unloading. Load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9:00 p.m. and 8:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary; (Ord. 1980-144. Passed 9-16-81.)

(8) Construction. Operate or permit the operation of heavy machinery and equipment used in land improvement, construction, clearing of trees, installation of utilities, roadways and sidewalks, drilling or demolition work, between the hours of 8:00 p.m. and 8:00 a.m. of the following day, after 5:00 p.m. on Saturday, at any time on Sunday or until 8:00 a.m. Monday, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency

work of public service utilities and except for the use of domestic power tools subject to paragraph (a)(12) hereof.

(Ord. 95-49. Passed 2-21-95.)

(9) Emergency signaling devices.

A. Intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in paragraph (a)(2) or (3) hereof;

B. Test a stationary emergency signaling device, except at the same time of day each time such a test is performed, but not before 8:00 a.m. nor after 9:00 p.m. or the closing time of a commercial establishment, whichever occurs later, and using only the minimum cycle test time, in no case to exceed sixty seconds;

C. Test the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, except after 8:00 a.m. or before 9:00 p.m., and in no case to exceed a test time of ten minutes;

D. Sound or permit the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is automatically terminated within two minutes of activation, or within a reasonable time after notification of activation; or

E. Sound any horn or other auditory signaling device on or in any motor vehicle on any public right of way or public space, except as a warning of danger; (Ord. 1980-144. Passed 9-16-81.)

(10) Radios, audio systems or other sound amplifying devices or systems.

A. Play or operate any radio, music player, audio system, tape player, compact disc player or other sound-amplifying device or system in such an unreasonable manner or at such an unreasonable volume as to annoy or disturb the quiet, comfort or repose of neighboring inhabitants, or at a volume which is plainly audible to persons other than those who are in the single-family unit located within a multifamily dwelling from which the sound is emitting or who are beyond the residential real property boundary of the lot from which the sound is emitting.

B. Play or operate, or permit the playing or operation of, any radio, music player, audio system, tape player, compact disc player or other sound-amplifying device or system, which can be heard outside a motor vehicle from fifty or more feet away when the vehicle is being operated upon a public street, highway or any other public place. (Ord. 96-151. Passed 12-3-96.)

(11) Loudspeakers; public address systems. Use, operate or permit the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right of way or public space for any purpose whatsoever;

(12) Domestic power tools. Operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or other similar device used outdoors, other than powered snow removal equipment, in residential areas between the hours of 9:00 p.m. and 8:00 a.m. the following day on weekdays and before 10:00 a.m. or after 6:00 p.m. on Sunday, so as to cause a noise disturbance across a residential real property boundary; or

(13) Powered model vehicles.

A. Operate or permit the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary in a public space between the hours of 9:00 p.m. and 8:00 a.m. the following day;

B. During the permitted period of operation, allow maximum sound levels in a public space to exceed seventy-five dBA measured at a distance of fifty feet from any point on the path of the vehicle; or

C. During the permitted period of operation, allow maximum sound levels in a residential area to exceed sixty dBA measured at a distance of fifty feet from any point on the path of the vehicle.

(b) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor, provided the violation is not committed willfully or knowingly, in which case it is a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02. (Ord. 1980-144. Passed 9-16-81.)  
634.05 MAXIMUM PERMISSIBLE SOUND LEVELS BY RECEIVING LAND USE.

(a) No person shall operate, cause to be operated or permit on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table 1 herein when measured at or within the property boundary of the receiving land use.

TABLE 1  
SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit (dBA)
R1A, R1B, R2C, R3C, RMD, PUD and PF Districts (Residential, public space, open space or institutional and public facilities)	8:00 a.m. to 9:00 p.m.	60
LB, GB, MS, SC and OB Districts (Business)	9:00 p.m. to 8:00 a.m.	50
RO, GI and CS Districts (Industrial)	at all times	65
	at all times	70

(b) Whoever violates this section is guilty of a minor misdemeanor, provided the violation is not committed willfully or knowingly, in which case it is a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

(Ord. 1980-144. Passed 9-16-81.)

634.06 EXEMPTIONS.

(a) The provisions of Sections 634.04 and 634.05 shall not apply to organized school-related programs, activities or events, to Municipally authorized parades or to Municipally sanctioned concerts in public parks.

(b) The provisions of Section 634.05 shall not apply to:

- (1) Activities covered by paragraphs (a)(3), (8), (9) and (12) of Section 634.04;
- (2) Refuse collection vehicles; and
- (3) Railway locomotives and cars. (Ord. 1980-144. Passed 9-16-81.)

634.07 MOTOR VEHICLES AND MOTORCYCLES ON PUBLIC RIGHTS OF WAY.

(a) No person shall operate, cause to be operated or permit a public or private motor vehicle or motorcycle on a public right of way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table 2 herein.

TABLE 2  
MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS

Vehicle Class	Sound Level in dBA		Stationary Run-up		
	Speed Limit	Speed Limit	Stationary	Micro-	Noise
	35 MPH or less (measured at 50 feet)	over 35 MPH (measured at 50 feet)	Engine Speed	phone distance (dBA) from vehicle	Limit
Motor carrier vehicle of GVWR or GCWR of 10,000 lbs. or more	86	90	For vehicles with gov-ernors, test at maximum governor speed. For vehicle	50 feet	88 from center line of

governors,  
test at 75  
percent of  
motor speed  
at maximum  
developed  
horsepower.

Any motorcycle	80	85	Test at 75 percent of	20 inches from rear motor speed at maximum developed horsepower.	101 side of vehicle
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	75	80		20 inches from end of tailpipe	90

(b) Whoever violates this section is guilty of a minor misdemeanor, provided the violation is not committed willfully or knowingly, in which case it is a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.  
(Ord. 1980-144. Passed 9-16-81.)

634.08 IMMEDIATE THREATS TO HEALTH AND WELFARE.

(a) No person shall operate, cause to be operated or permit on public or private property any source of continuous and/or impulsive sound in such a manner as to create a sound level which exceeds the limits set forth in Table 3 or Table 4 herein when measured at a distance of fifty feet or fifteen meters from such source.

TABLE 3  
CONTINUOUS SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH  
AND WELFARE (MEASURED AT FIFTY FEET OR FIFTEEN  
METERS.\*)

Sound Level Limit (dBA)	Duration
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

\*Use equal energy time-intensity trade-off if level varies; find energy equivalent over twenty-four hours.

TABLE 4  
IMPULSIVE SOUND LEVELS WHICH POST AN IMMEDIATE THREAT TO  
HEALTH AND WELFARE (MEASURED AT FIFTY FEET OR FIFTEEN  
METERS)

Sound Level Limit (dB)	Number of Repetitions Per 24-hour Period
145	1

(b) Whoever violates this section is guilty of a minor misdemeanor, provided the violation is not committed willfully or knowingly, in which case it is a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

(Ord. 1980-144. Passed 9-16-81.)

#### 634.09 INSPECTIONS OF PRIVATE PROPERTY.

The Building Commissioner and/or law enforcement officers, in addition to any other authority vested in them, are hereby authorized, upon presentation of proper credentials, to enter and inspect any private property or place and to inspect any report or records at any reasonable time when granted permission by the owner or some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause that a violation of this chapter exists. Such inspection may include the administration of any necessary tests.

(Ord. 1980-144. Passed 9-16-81.)

#### 634.10 STOPPING AND TESTING MOTOR VEHICLES AND MOTORCYCLES.

Law enforcement officers, in addition to any other authority vested in them, are hereby authorized to stop and test any motor vehicle or motorcycle which is operated on a public right of way or public space and which is reasonably suspected of violating any provision of this chapter, and to issue a notice of violation or an abatement order. (Ord. 1980-144. Passed 9-16-81.)

#### 634.11 EXCEPTIONS FOR EMERGENCIES.

The provisions of this chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work.

(Ord. 1980-144. Passed 9-16-81.)

#### 634.12 SPECIAL VARIANCES.

(a) The Building Commissioner is hereby authorized to grant special variances pursuant to this section.

(b) Any person seeking a special variance pursuant to this section shall file an application therefor with the Building Commissioner. The application shall contain information which demonstrates that bringing into compliance with this chapter the source of sound or activity for which the special variance is sought would constitute an unreasonable hardship on the applicant, on the community or on other persons. Notice of an application for a special variance shall be given by the Building Commissioner to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by the allowance of the special variance may file a statement with the Building Commissioner containing any information to support his or her claim.

(c) In determining whether to grant or deny the application, the Building Commissioner shall balance the hardship that is occasioned to the applicant, the community and other persons by not granting the special variance, against the adverse impact on the health, safety and welfare of persons affected and on property affected, and any other adverse impacts occasioned by granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the Building Commissioner may reasonably require. In granting or denying an application, the Building Commissioner shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate the same and subject the person holding it to those provisions of this chapter which regulate the source of sound or activity for which the special variance was granted.

(e) Application for an extension of the time limits specified in special variances or for modification of other substantial conditions shall be treated like an application for an initial special variance.

(f) The Building Commissioner may issue guidelines approved by resolution of Council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether or not to grant a special variance.

(g) The decision of the Building Commissioner may be appealed by the person who is denied the special variance or by any person who claims to be adversely affected by the allowance of the special variance. Such appeal shall be made to the Zoning Board of Appeals and review by the Board shall be de novo.

(Ord. 1980-144. Passed 9-16-81.)

#### 634.13 ABATEMENT ORDERS.

In lieu of issuing a notice of violation as provided for in Section 634 14, the Building Commissioner or a law enforcement officer may issue an order requiring the immediate abatement of any source of sound alleged to be in violation of this chapter. (Ord. 1980-144. Passed 9-16-81.)

#### 634.14 NOTICE OF VIOLATION.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to Section 634.13, a violation of any provision of this chapter shall be cause for a notice of violation to be issued by the Building Commissioner or a law enforcement officer.

(Ord. 1980-144. Passed 9-16-81.)

#### 634.15 OTHER REMEDIES.

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from a violation of any of the provisions of this chapter or from a violation or other law.

(Ord. 1980-144. Passed 9-16-81.)

## JUNK YARDS

### *Village of Doylestown*

#### CHAPTER 110: JUNK YARDS

##### Section

###### 110.01 Definitions

###### 110.02 Junk and scrap yards declared nuisances; maintenance of fence

##### § 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FENCE.** An enclosure at least six feet in height constructed of non-transparent material and maintained so as to obscure the junk in the enclosure from the ordinary view of persons passing upon the state, county, township and village roads and adjoining property within the village.

**JUNK.** Old or scrap copper, brass, rope, rags, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous material which are not held for sale or remelting purposes by an establishment having facilities for the processing of such materials.

(Ord. 2-69, passed - - )

##### § 110.02 JUNK AND SCRAP YARDS DECLARED NUISANCES; MAINTENANCE OF FENCE.

The operation, erection, establishment and maintenance of a place or places within the village by any person, firm or corporation for the purpose of carrying on or engaging in the operation of a junk yard or other place for the storage and sale of junked and wrecked automobiles, scrap iron, rubber, paper, rags or other material within the village is hereby declared to be a nuisance and an impairment to the health, safety and public welfare of the citizens and inhabitants within the village and no person, firm or corporation shall engage in the operation or maintenance of such place or places unless a fence is constructed, maintained and erected around such place or places in such a way that the property or junk stored upon said premises is not visible from the adjoining street or streets, alley or property.

(Ord. 2-69, passed - - ) Penalty, see § 10.99

### *City of Barberton*

#### 1250.05 Junk Yards

##### (a) Junk Yards Prohibited

Junk and wrecking yards are prohibited within the City of Barberton.

The provisions of this section shall apply to existing legal junk and wrecking yards as provided in Chapter 1340, Nonconformities.

##### (b) Setbacks

To provide access for fire fighting equipment and create fire breaks, piles of junk, salvage, or stored material shall be set back no less than the following distances:

From buildings:	30 feet
From processing machinery:	50 feet
From screening:	10 feet.

##### (c) Location

Junk and wrecking yards shall be located only on arterial or collector streets or minor streets that predominantly serve industrial uses.

##### (d) Screening

Junk and wrecking yards shall be screened as provided in Table 1220B.

No junk, salvage, or stored material shall be placed outside of required screening.

##### (e) Other Regulations

(1) Tire Storage

To prevent standing water, salvage or stored tires shall be stored under roof.

(2) Burning

No oil, grease, gasoline, tires, or similar materials shall be burned within a junk or wrecking yard, and no material that can be ignited by an ordinary match shall be placed less than 10 feet from a screening either required by Table 1220B or provided voluntarily. All other burning shall conform to applicable regulations.

(3) Height of Pile

A pile of junk, salvage, or stored material shall not exceed 10 feet in fence height, as defined herein, on any lot abutting a Residential District.

(4) Maintenance

Junk and wrecking yards shall be maintained in a clean and sanitary condition free from rats, vermin, and other vectors.

All improvements shall be maintained in a good state of repair.

## JUNK /ABANDONED VEHICLES

*City of Dublin*

### § 76.12 ABANDONED VEHICLES.

(A) No person shall purposely leave an abandoned junk motor vehicle on private property for more than 72 hours, or on a public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right-of-way of any road or highway, for 48 hours or longer.

(B) Any motor vehicle abandoned in the manner provided herein is hereby declared to be a public nuisance by reason of its abandonment causing a deteriorating and blighting influence on nearby properties and by reason of its depreciating the enjoyment and use of the properties in the immediate vicinity to such an extent that it is harmful to the public health, welfare and safety of the community in which such abandoned motor vehicle is located, and such nuisance shall be abated.

(C) An abandoned motor vehicle is defined as any motor vehicle meeting all of the following requirements:

(1) Left on private property for more than 72 hours other than in an enclosed garage, on a public street or other property open to the public for the purpose of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for 48 hours or longer;

(2) Three years old or older;

(3) Extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motors or transmission;

(4) Apparently inoperable;

(5) Having a fair market value of \$200 or less.

A wrecked vehicle being held for repair at an automobile service garage or body shop shall be exempt from the provisions of this section.

(D) Whenever the Chief of Police or his authorized representative finds, upon investigation, that a motor vehicle has been abandoned he shall cause written notice by certified mail to be served upon the owner, or the lessee, agent or tenant, having the right to possession of such real property on which the abandoned vehicle is located that the abandoned motor vehicle must be removed within 72 hours after the service of such notice. If such owner or other person having the right to possession of such real property is a nonresident whose address is known, such service shall be sent to his address by certified mail.

(E) Upon failure of any owner, lessee, agent or tenant having charge of the lots and lands referred to in division (D) hereof to comply with the notice of removal within the period of time stipulated, the Chief of Police shall cause such abandoned vehicle to be removed by the direct employment of labor or authorize some person to remove the abandoned vehicle on behalf of the municipality. The Chief of Police shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer in the place where abandoned. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damage or missing equipment to substantiate the value of \$200 or less. The Chief of Police shall thereupon immediately dispose of the abandoned junk motor vehicle to a junk yard or scrap metal processing facility as defined in R.C. § 4737.05 or to any other facility owned by or under contract with the municipality for the disposal of such motor vehicles. The records and photographs relating to the abandoned junk motor vehicle shall be retained by the Chief of Police after the disposition of such vehicle for a period of at least two years. Such officer shall execute, in quadruplicate, an affidavit as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with, and he shall sign and file the same with

the Clerk of Courts of Franklin County. Any moneys arising from the disposal of an abandoned junk motor vehicle shall be deposited in the General Fund.

(F) Whoever violates division (A) of this section is guilty of abandoning motor vehicles, a minor misdemeanor, and in addition to any other penalty, shall be assessed any costs incurred by the municipality in disposing of such abandoned junk motor vehicle, less any money accruing to the municipality from such disposal.

('80 Code, § 303.09) (Ord. 21-75, passed 3-17-75)

(G) Whoever violates this section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the municipality in disposing of such junk motor vehicle, less any money accruing to the municipality from such disposal. (R.C. § 4513.99) ('80 Code, § 303.99)

Penalty, see § 70.99

#### § 70.13 LEAVING JUNK AND OTHER VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

(A) No person shall willfully leave any vehicle or an ABANDONED JUNK MOTOR VEHICLE as defined in R.C. § 4513.63 on private property for more than 72 consecutive hours without the permission of the person having the right to the possession of the property or on a public street or other property open to the public for purposes of vehicular traffic or parking, or upon or within the right-of-way of any road or highway, for 48 consecutive hours or longer, without notification to the police chief of the reasons for leaving the vehicle in such place.

(B) For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within the municipality. (R.C. § 4513.64) Penalty, see § 70.99

## NUISANCES

### *Village of Doylestown*

#### CHAPTER 96: NUISANCES

##### Section

##### General Provisions

- 96.01 Application of the chapter
- 96.02 Definitions
- 96.03 Nuisances generally; injunctions; violation; contempt
- 96.04 Maintaining certain nuisances
- 96.05 Collection of cost of abating dangerous property condition; injunction; rehabilitation
- 96.06 Trimming of trees and shrubbery to prevent obstruction

##### Unclean Habitations

- 96.10 Permitting unclean habitations
- 96.11 When habitations are deemed unsanitary
- 96.12 Order for abatement or vacation of premises
- 96.13 Enforcement of vacation order by Fire Chief or Police Chief
- 96.14 Enforcement through court proceedings

##### Septic Tanks, Cesspools, and Refuse

- 96.20 Location of privy vaults, cesspools, and septic tanks
- 96.21 Unsanitary vaults
- 96.22 Removal of contents of vault
- 96.23 Deposit of dead animals, offal upon land or water
- 96.24 Prohibition against defiling spring or well
- 96.25 Dumping of refuse in village forbidden
- 96.26 Abandoned refrigerators
- 96.27 Discarding litter prohibited
- 96.28 Power of village to fill or drain land

##### Weeds and Litter on Private Property

- 96.40 Keeping down weeds
- 96.41 Notice to owner to cut noxious weeds, remove litter; service
- 96.42 Fees for service and return
- 96.43 Procedure when owner fails to comply with notice
- 96.44 Written return to County Auditor; amount as a lien upon property

##### Obscenity

- 96.60 Activity constituting a nuisance
- 96.61 Injunction

- 96.99 Penalty

##### Statutory reference:

- Authority to enact building code regulations, see O.A.C. § 4101:2-1-09
- Issuance of adjudication orders and stop work orders, see R.C. § 3781.031
- Ohio Basic Building Code, see O.A.C. § 4101:2-1-03
- Power to abate and prevent nuisances, see R.C. § 715.44

## GENERAL PROVISIONS

### § 96.01 APPLICATION OF THE CHAPTER.

The provisions of this chapter shall be enforceable within this village concurrently with the state and federal laws relative to sanitation and health and the ordinances or orders of the local health district relative thereto, and shall not be construed as modifying, repealing, limiting, or affecting in any manner such laws, ordinances, or orders.

### § 96.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**NUISANCE.** That which is defined and declared by statutes or ordinances to be such and also means any place in or upon which lewdness, assigna-tion, or prostitution is conducted, permitted, continued, or exists, or any place in or upon which lewd, indecent, lascivious or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen for exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. This chapter shall not affect any newspaper, magazine, or other publication entered as second class matter by the post office department.

**PERSON.** Includes any individual, corporation, association, partnership, trustee, lessee, agent or assignee.

**PLACE.** Includes any building, erection, or place or any separate part or portion thereof or the ground itself.

(R.C. § 3767.01)

### § 96.03 NUISANCES GENERALLY; INJUNCTIONS; VIOLATION; CONTEMPT.

(A) Any person who uses, occupies, establishes, or conducts a nuisance, or aids and abets therein, and the owner, agent, or lessee of any interest in any such nuisance together with the persons employed in or in control of any such nuisance by any such owner, agent, or lessee is guilty of maintaining a nuisance and shall be enjoined as provided in R.C. §§ 3767.03 through 3767.06.

(R.C. § 3767.02)

(B) In case of the violation of any injunction or closing order granted under R.C. §§ 3767.01 through 3767.11, or of a restraining order or the commission of any contempt of court in proceedings under such sections, the court or, in vacation, a judge thereof, may summarily try and punish the offender. The trial may be had upon affidavits or either party may demand the production and oral examination or witnesses.

(R.C. § 3767.07)

(C) Whoever is guilty of contempt under this section is guilty of a misdemeanor of the first degree.

(R.C. § 3767.99(A))

Statutory reference:

Abatement of nuisance, bond, see R.C. § 3767.03

Content of judgment and order, disposition of property seized, see R.C. § 3767.06

Priority of actions, evidence, costs, see R.C. § 3767.05

Procedure in injunction action, see R.C. § 3767.04

### § 96.04 MAINTAINING CERTAIN NUISANCES.

(A) No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of a trade, employment, or business or for keeping or feeding an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public.

(B) No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

(C) No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure a watercourse, stream of water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

(D) Persons who are engaged in agriculture-related activities, as AGRICULTURE is defined in R.C. § 519.01, and who are conducting those activities outside the village, in accordance with generally accepted agricultural practices, and in such a manner so as not to have a substantial, adverse effect on the public health, safety, or welfare, are exempt from divisions (A) and (B) above and from any ordinances, resolutions, rules, or other enactments of the village that prohibit excessive noise.  
(R.C. § 3767.13)

(E) Whoever violates this section is guilty of a misdemeanor of the third degree.  
(R.C. § 3767.99(C)) Penalty, see § 130.99  
§ 96.05 COLLECTION OF COST OF ABATING DANGEROUS PROPERTY CONDITION;  
INJUNCTION; REHABILITATION.

(A) Collection of costs of abating dangerous property conditions.

(1) As used in this division, TOTAL COST means any costs incurred due to the use of employees, materials, or equipment of the village, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under this division.

(2) The village may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance by any of the following methods:

(a) The Clerk of the Legislative Authority of the village may certify the total costs, together with a proper description of lands to the County Auditor who shall place the costs upon the tax duplicate. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as other taxes and returned to the village.

(b) The village may commence a civil action to recover the total costs from the owner.

(3) This division (A) applies to any action taken by the village pursuant to R.C. § 715.26, which authorizes the inspection, removal and repair of buildings, or pursuant to the Ohio Constitution, Article XVIII, § 3.

(4) The village shall not certify to the County Auditor for placement upon the tax list and duplicate the cost of any action that it takes under division (A)(2) of this section if the action is taken on land that has been forfeited to the state for delinquent taxes, unless the owner of record redeems the land.

(R.C. § 715.261) (Rev. 1997)

(B) Injunction may be granted for failure to comply. No person shall erect, alter, repair or maintain any residential building, office, mercantile building, workshop or factory, including a public or private garage, or other structure, within the village unless all ordinances or resolutions enacted pursuant to R.C. §§ 715.26 through 715.30 are fully complied with. In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of such ordinances or resolutions, or there is imminent threat of violation, the village or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.  
(R.C. § 715.30)

(C) Appropriation of property to rehabilitate; demolition or sale.

(1) In order to rehabilitate a building or structure that the village has determined to be a threat to the public health, safety or welfare, that has been declared a nuisance under R.C. Chapters 3707, 3709 or 3781, and that either has been found to be insecure, unsafe, structurally defective, unhealthful, or unsanitary under R.C. §§ 715.26 through 715.30 or violated a building code or ordinance adopted under R.C. § 731.231, the village may appropriate, in the manner provided by R.C. §§ 163.01 through 163.22, any such building or structure and the real property of which it is a part. The village shall rehabilitate the building or structure or cause it to be rehabilitated within two years after the appropriation so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthful or unsanitary, or a threat to the public health, safety, or welfare, in violation of a building code or ordinance adopted under R.C. § 731.231. Any building or structure appropriated pursuant to this division which is not rehabilitated within two years shall be demolished.

(2) If, during the rehabilitation process, the village retains title to the building or structure and the real property of which it is a part, then within 180 days after the rehabilitation is complete, the village shall appraise the rehabilitated building or structure and the real property of which it is a part, and shall sell the building or structure and property at public auction. The village shall advertise the public auction in a newspaper of general circulation in the village once a week for three consecutive weeks prior to the date of sale. The village shall sell the building or structure and real property to the highest and best bidder. No property that the village acquires pursuant to this division shall be leased.

(R.C. § 719.012)

Statutory reference:

Adoption of technical ordinances and codes by reference, see R.C. § 731.231

§ 96.06 TRIMMING OF TREES AND SHRUBBERY TO PREVENT OBSTRUCTION.

(A) It shall be unlawful for any person to plant, grow, or maintain any shade tree or trees or shrubbery which will obstruct the proper distribution of light from street lamps or which will obstruct the view of traffic approaching an intersection by operators of vehicles approaching such intersection from another direction.

(B) All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and 12 feet above the surface of the street or roadway, and the branches of all trees in front of and along lots or lands near which street lights are placed shall be trimmed so as not to obstruct the free passage of light from such street lights to the street and sidewalk.

(C) The Legislative Authority shall cause a written notice to be given to property owners ordering them to trim or remove trees and shrubbery so that the trees and shrubbery conform to divisions (A) and (B).

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

Penalty, see § 96.99

Statutory reference:

Power to regulate shade trees, see R.C. § 715.20

UNCLEAN HABITATIONS

§ 96.10 PERMITTING UNCLEAN HABITATIONS.

It shall be unlawful for any person to lease, let, permit the occupancy of, permit the continuation of the occupancy of, or continue the occupancy of a structure or building or any portion thereof used for human habitation, unless such structure or building or portion thereof is free from unclean and unsanitary conditions as defined in § 96.11 and unless the provisions of the subsequent sections are complied with.

Penalty, see § 96.99

Statutory reference:

Regulating occupied buildings, see R.C. § 715.29

Duties of the landlord, see R.C. § 5321.04

Duties of the tenant, see R.C. § 5321.05

Injunction for failure to comply, see R.C. § 715.30

§ 96.11 WHEN HABITATIONS ARE DEEMED UNSANITARY.

A structure, building, or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition when any of the following conditions exist:

- (A) Infection with communicable disease;
- (B) Absence of the toilet facilities required by law or ordinance;
- (C) Presence of sewer gas;
- (D) Dampness or wetness due to lack of repair;
- (E) Accumulation of dirt, filth, litter, refuse, or other offensive or dangerous substances likely to cause sickness among the occupants;
- (F) Defective or improperly used drainage, plumbing, or ventilation facilities likely to cause sickness.

§ 96.12 ORDER FOR ABATEMENT OR VACATION OF PREMISES.

If the local Board of Health ascertains from examination or reports of its inspectors or sanitary officers or otherwise determines that a public nuisance, as defined in § 96.11, exists in or upon any structure or building, or portion thereof, and has notified the owner, occupant, or person in charge of the premises to abate the nuisance or vacate the premises, it shall be unlawful to occupy or permit the occupancy of the premises or portion thereof until the nuisance has been completely abated and the building or portion thereof has been rendered clean and sanitary in accordance with the terms of the notices of the Board of Health.

§ 96.13 ENFORCEMENT OF VACATION ORDER BY FIRE CHIEF OR POLICE CHIEF.

When the notice or order of vacation has not been complied with, and the Board of Health certifies such fact to the Fire Chief or Police Chief, together with a copy of the order of notice, it shall be the duty of the Fire Chief or Police Chief to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of the notice or order.

§ 96.14 ENFORCEMENT THROUGH COURT PROCEEDINGS.

Whenever the Board of Health certifies to the municipal legal officer any failure to comply with any order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the municipal legal officer shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the order or notice and the abatement of the nuisance against which the order or notice was directed. These suits or proceedings shall be brought in the name of the village. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this code or any other criminal law or ordinance in force within the village.

SEPTIC TANKS, CESSPOOLS, AND REFUSE

§ 96.20 LOCATION OF PRIVY VAULTS, CESSPOOLS, AND SEPTIC TANKS.

No owner, occupant, or person in charge of any premises situated as to permit connection with any sanitary sewer shall maintain or permit to be maintained on or in connection with such premises any privy vault, cesspool, septic tank, or other repository for human excreta.

Penalty, see § 96.99

Statutory reference:

Power to regulate refuse disposal, see R.C. § 715.43

Power to regulate privies, see R.C. § 715.40

§ 96.21 UNSANITARY VAULTS.

It shall be unlawful for any person being the owner, lessor, occupant, or person in charge of any premises upon which a privy vault, cesspool, or septic tank is located to permit such vault, pool, or tank, or any building, fixture, or device appurtenant thereto, to become foul, noisome, filthy, or offensive to neighboring property owners.

Penalty, see § 96.99

§ 96.22 REMOVAL OF CONTENTS OF VAULT.

Whenever any part of the waste in any privy vault or cesspool extends to a point less than three feet below the surface of the ground adjacent thereto, or whenever use of any such vault or cesspool is abandoned or where such use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of such premises shall cause the vault or cesspool to be emptied of its contents, thoroughly cleaned, and disinfected, and if abandoned, to be filled with clean earth or mineral matter to the level of the adjacent ground.

Penalty, see § 96.99

§ 96.23 DEPOSIT OF DEAD ANIMALS, OFFAL UPON LAND OR WATER.

(A) No person shall put the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, meadow, public ground, market place, or common. No owner or occupant of such place shall knowingly permit such thing to remain therein to the annoyance of any citizen or neglect to remove or abate the nuisance occasioned thereby within 24 hours after knowledge of the existence thereof, or after notice thereof in writing from the designated municipal official.

(R.C. § 3767.16)

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

(R.C. § 3767.99(D))

§ 96.24 PROHIBITION AGAINST DEFILING SPRING OR WELL.

(A) No person shall maliciously put a dead animal, carcass, or part thereof, or other putrid, nauseous, or offensive substance into, or befoul, a well, spring, brook, or branch of running water, or a reservoir of a waterworks, of which use is or may be made for domestic purposes. (R.C. § 3767.18)

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

(R.C. § 3767.99(D))

§ 96.25 DUMPING OF REFUSE IN VILLAGE FORBIDDEN.

It shall be unlawful for any person to dump, cause to be dumped or permit to be dumped on any publicly or privately owned land or water in the village any paper, brush, rubbish, tin cans, vegetation, garbage, or refuse of any kind, without first having obtained a written license from the Mayor or other designated municipal officer to do so. The Mayor or other designated municipal officer shall issue a license permitting dumping of designated materials when it appears that filling of the land is necessary and that the material deposited will be immediately covered with earth or will not be objectionable to the citizens of the neighborhood, or injurious to health, safety and general welfare of the citizens.

Penalty, see § 96.99

§ 96.26 ABANDONED REFRIGERATORS.

(A) No person shall abandon, discard, or knowingly permit to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1½ cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, ware-house official or repair technician.

(R.C. § 3767.29)

(B) Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

(R.C. § 3767.99(B))

§ 96.27 DISCARDING LITTER PROHIBITED.

(A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by him or her, or in or on waters of the state, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive.

(2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements.

(3) The person is issued a permit or license covering the litter pursuant to R.C. Chapter 3734 or 6111.

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by him or her, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom he or she reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

(a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle.

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle.

(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(C) (1) As used in division (B)(1) of this section, PUBLIC PROPERTY includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in division (B)(4) of this section, CASUAL PASSERBY means a person who does not have depositing litter in a litter receptacle as his or her primary reason for traveling to or by the property on which the litter receptacle is located.

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

**DEPOSIT.** To throw, drop, discard, or place.

**LITTER.** Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.

**LITTER RECEPTACLE.** A dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(E) This section may be enforced by any sheriff, deputy sheriff, police officer of the village, police constable or officer of a township or township police district, wildlife officer, park officer, forest officer, preserve officer, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within his or her jurisdiction.  
(R.C. § 3767.32)

(F) Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require a person who violates this section to remove litter from any public or private property or in or on waters of the state.  
(R.C. § 3767.99(C))

§ 96.28 POWER OF THE VILLAGE TO FILL OR DRAIN LAND.

(A) The village may fill or drain any lot or land within its limits on which water at any time becomes stagnant, remove all putrid substances from any lot, and remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood. If such culverts or drains are of insufficient capacity, the village may make them of such capacity as reasonable to accommodate the flow of such water at all times.

(B) The Legislative Authority may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or other obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof.

(C) After service of a copy of such resolution, or after a publication thereof in a newspaper of general circulation in the village for two consecutive weeks, the owner, or his or her agent or attorney, shall comply with the directions of the resolution within the time therein specified.

(D) In case of the failure or refusal of such owner to comply with the resolution, the work required thereby may be done at the expense of the village, and the amount of money so expended shall be recovered from the owner before any court of competent jurisdiction. This expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the Court of Common Pleas, and like proceedings may be had as directed in relation to the improvement of streets.

(E) The officers connected with the Health Department of the village shall see that this section is strictly and promptly enforced.  
(R.C. § 715.47)

WEEDS AND LITTER ON PRIVATE PROPERTY

§ 96.40 KEEPING DOWN WEEDS.

(A) Any person owning or having charge of land within the village shall keep such property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by him or her at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1.

(B) Noxious weeds and rank vegetation shall include but not be limited to:

(1) Any weeds such as the following:

Noxious Weeds

Buckthorn	Musk Thistle
Canada Thistle	Oxeye Daisy
Corncockle	Perennial Sowthistle
Cressleaf Groundsel	Poison Hemlock
Curly Dock	Purple Loosestrife
Dodder	Quackgrass

Field Bindweed	Russian Knapweed
French Weed	Russian Thistle
Hairy Whitetop	Serrated Tussock
Hedge Bindweed	Shatter Cane
Hoary Cress	Wild Carrot
Horsenettle	Wild Garlic
Johnsongrass	Wild Mustard
Leafy Spurge	Wild Onion
Mile-A-Minute Weed	Wild Parsnip

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;  
(O.A.C. §§ 901:5-31-01 and 901:5-37-01)

(3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches.

Statutory reference:

List of prohibited and secondary noxious weeds,  
see O.A.C. §§ 901:5-31-01 and 901:5-37-01

§ 96.41 NOTICE TO OWNER TO CUT NOXIOUS WEEDS, REMOVE LITTER; SERVICE.

(A) Upon written information that noxious weeds are growing on lands in the village and are about to spread or mature seeds, the Legislative Authority shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him or her that noxious weeds are growing on such lands and that they must be cut and destroyed within five days after service of such notice.

(B) Upon a finding by the Legislative Authority that litter has been placed on lands in a municipality, and has not been removed, and constitutes a detriment to public health, the Legislative Authority shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within 15 days after the service of the notice.

(C) As used in this section and § 96.43, LITTER includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(D) If the owner or other person having charge of the land is a nonresident of the village whose address is known, the notice shall be sent to his or her address by certified mail. 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.

(E) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to R.C. Chapter 3734, §§ 4737.05 to 4737.12, or R.C. Chapter 6111.

(R.C. § 731.51)

§ 96.42 FEES FOR SERVICE AND RETURN.

The Police Chief, any police officer, or Clerk of the Legislative Authority may make service and return of the notice provided for in § 96.41 and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate.

(R.C. § 731.52)

§ 96.43 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

If the owner, lessee, agent, or tenant having charge of the lands mentioned in § 96.41 fails to comply with the notice required by such section, the Legislative Authority shall cause such noxious weeds to be cut and destroyed or such litter removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Legislative Authority, be paid out of the money in the treasury of the village not otherwise appropriated.

(R.C. § 731.53)

§ 96.44 WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT AS A LIEN UPON PROPERTY.

The Legislative Authority shall make a written return to the County Auditor of their action under §§ 96.41, 96.42, and 96.43, with a statement of the charges for their services, the amount paid for labor, the fees of the officers serving the notices, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the village with the general fund.

(R.C. § 731.54)

OBSCENITY

§ 96.60 ACTIVITY CONSTITUTING A NUISANCE.

Premises used or occupied for repeated violations of § 133.10 or R.C. §§ 2907.31 or 2907.32 constitute a nuisance subject to abatement pursuant to R.C. Chapter 3767.

(R.C. § 2907.37(B))

Statutory reference:

Disseminating matter harmful to juveniles, see R.C. § 2907.31

Pandering obscenity, see R.C. § 2907.32

§ 96.61 INJUNCTION.

Where it appears that § 133.10 or R.C. §§ 2907.31 or 2907.32 is being or is about to be violated, the chief legal officer of the village may bring an action to enjoin the violation. The defendant, upon his or her request, is entitled to trial on the merits within five days after the joinder of the issues, and the court shall render judgment within five days after the trial is concluded.

(R.C. § 2907.37(A))

§ 96.99 PENALTY.

Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be subject to the penalty prescribed in § 10.99.

## SEXUALLY ORIENTED BUSINESSES

*City of Cincinnati*

### CHAPTER 899. SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES

#### Section

899-1.	Definitions.
899-1-A.	Adult Arcade.
899-1-A1.	Adult Bookstore, Adult Novelty Store, Adult Video Store.
899-1-A2.	Adult Cabaret.
899-1-A3.	Adult Motel.
899-1-A4.	Adult Motion Picture Theater.
899-1-A5.	Adult Theater.
899-1-A6.	Semi-Nude Model Studio.
899-1-A7.	Sexual Encounter Establishment.
899-1-C.	City Treasurer or Treasurer.
899-1-E.	Employee.
899-1-E1.	Established or Establishment.
899-1-L.	Licensee.
899-1-N.	Nonporous.
899-1-N1.	Nudity or a State of Nudity.
899-1-O.	Operate or Cause to be Operated.
899-1-P.	Person.
899-1-S.	Semi-nude.
899-1-S1.	Sexually Oriented Business.
899-1-S2.	Specified Anatomical Areas.
899-1-S3.	Specified Sexual Activity.
899-1-T.	Transfer of Ownership or Control.
899-1-V.	Viewing Room.
899-3.	Classification
899-5.	License Required.
899-7.	Issuance of License.
899-9.	Fees.
899-11.	Inspection.
899-13.	Expiration of License.
899-15.	Suspension.
899-17.	Revocation.
899-19.	Hearing; Revocation, License Denial, Suspension; Appeal.
899-21.	Transfer of License.
899-22.	Nudity at Sexually Oriented Businesses Prohibited.
899-23.	Additional Regulations for Adult Motels.
899-24.	Additional Regulations for Sexually Oriented Businesses.
899-25.	Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos.
899-27.	Loitering and Exterior Lighting and Monitoring Requirements.
899-29.	Penalties and Enforcement.
899-31.	Applicability of Ordinance to Existing Businesses.
899-33.	Regulations Pertaining to Sexually Oriented Businesses Featuring Nudity or Live Performances.
899-35.	Severability.

#### § 899-1. Definitions.

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

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-A. Adult Arcade.

"Adult Arcade" shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-A1. Adult Bookstore.

"Novelty Store" or "Adult Video Store" means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";

(b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

(c) An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 9-1998, eff. Jan. 12, 1998)

§ 899-1-A2. Adult Cabaret.

"Adult cabaret" means a nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear semi-nude; (b) live performances which are characterized by "specified sexual activities," or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-A3. Adult Motel.

"Adult motel" means a motel, hotel, or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-A4. Adult Motion Picture Theater.

"Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

(Ordained by Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-A5. Adult Theater.

"Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in state of semi-nudity or live performances which are characterized by "specified sexual activities."

(Ordained by Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-A6. Semi-Nude Model Studio.

"Semi-Nude Model Studio" means any place where a person, who regularly appears in a state of semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

It is a defense to prosecution for any violation of this ordinance that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
  - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
  - b. Where, in order to participate in a class a student must enroll at least three days in advance of the class; and
  - c. Where no more than one semi-nude model is on the premises at any one time.

(Ordained by Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-A7. Sexual Encounter Establishment.

"Sexual encounter establishment" means a business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or when one or more of the persons is semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

(Ordained by Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-C. City Treasurer or Treasurer.

"City Treasurer" or "Treasurer" shall mean the City Treasurer of the City of Cincinnati or such people as may be designated by the City Treasurer.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-E. Employee.

"Employee" shall mean an individual working or performing services for any sexually oriented business, including any independent contractor who provides services on behalf of any sexually oriented business to the patrons of such business whether or not the individual receives any remuneration, gratuity, or tips of any kind, or pays the owner/operator for the right to perform or entertain in the sexually oriented business.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-E1. Established or Establishment.

"Established" or "Establishment" shall mean and include any of the following:

- (a) The opening or commencement of any sexually oriented business as a new business;
- (b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (c) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (d) The relocation of any sexually oriented business.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-L. Licensee

"Licensee" shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-N. Nonporous.

"Nonporous" shall exclude any wood, plywood, composition board or other porous material.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-N1. Nudity or a State of Nudity.

"Nudity" or a "State of Nudity" shall mean:

- (a) The appearance of the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast; or

(b) A state of dress which fails to opaquely cover the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-O. Operate or Cause to be Operated.

"Operate" or "Cause to be Operated" shall mean to cause to function or to put or keep in operation. Operator means any persons on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-P. Person.

"Person" shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-S. Semi-nude.

"Semi-nude" shall mean a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-S1. Sexually Oriented Business.

"Sexually Oriented Business" shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel or adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio, or sexual encounter.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 9-1998, eff. Jan. 12, 1998; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-1-S2. Specified Anatomical Areas.

"Specified Anatomical Areas" shall mean: (a) human genitals in a state of sexual arousal, (b) the appearance of the cleft of the buttocks, anus, male or female genitals, or areola of the female breast; or (c) a state of dress which fails to opaquely cover the cleft of the buttocks, anus, male or female genitals, or areola of the female breast.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-S3. Specified Sexual Activity.

"Specified Sexual Activity" shall have the same meaning as "sexual activity," as defined in Ohio Revised Code Section 2907.01(C).

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-T. Transfer of Ownership or Control.

"Transfer of Ownership or Control" of a sexually oriented business shall mean any of the following:

- (a) The sale, lease, or sublease of the business;
- (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-1-V. Viewing Room.

"Viewing Room" shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, or other video reproduction.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-3. Classification.

Sexually oriented business shall be classified as follows:

- (a) Adult arcades;
- (b) Adult bookstores, adult novelty stores, adult video stores;
- (c) Adult cabarets;

(d) Adult motels; (e) Adult entertainment out-call service in the form of semi-nude dancing or exhibition;

(f) Adult motion picture theaters;

(g) Adult theaters;

(h) Semi-nude model studios; and

(i) Sexual encounter establishments.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 9-1998, eff. Jan. 12, 1998; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-5 License Required.

(a) It shall be unlawful for any person to operate a sexually oriented business or to conduct such services in the City of Cincinnati without a valid sexually oriented business license, issued by the city for the particular type of business, or to employ a person who is not licensed as a sexually oriented business employee as provided by Subsection (b) of this section or who is not authorized to work or perform services pursuant to Subsection (c) of this section.

(b) Except as provided in Subsection (c) of this section, it shall be unlawful for any person to be an employee of a sexually oriented business or to conduct such services in the City of Cincinnati without a valid license.

(c) An applicant, upon receipt by the City Treasurer of his or her application for a sexually oriented business employee license, may work or perform services without an employee license until such time as the license is granted or the decision to deny the license becomes final pursuant to Section 899-19. Upon receipt of the applicant's completed application for an employee's license, the City Treasurer shall issue the applicant a temporary work permit. The applicant shall keep the temporary work permit on his or her person or on the premises where the applicant is then working or performing services, and produce such permit for inspection upon request by a law enforcement officer or other authorized city official.

(d) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the City Treasurer an application made on a form prescribed and provided by the City Treasurer. The applicant shall be qualified according to the provisions of this chapter. The application shall be signed under oath by the applicant and notarized. The application shall include but not be limited to the information called for in Paragraphs (d)(1) through (7) as follows:

(1) The full true name and any other names used in the preceding five years.

(2) Current residential address, business addresses and telephone numbers.

(3) If the application is for a sexually oriented business license, the name, business location, business mailing address and phone number of the proposed sexually oriented business.

(4) Written proof of age, in the form of a birth certificate, current Ohio drivers' license with picture, or other picture identification document issued by a governmental agency.

(5) Two identical, passport-quality photographs of the applicant, approximately two inches by two inches in size, taken within the preceding month.

(6) The issuing jurisdiction and the effective dates of any license or permit relating to a sexually oriented business, whether any such license or permit has been denied, revoked or suspended and, if so, the reason or reasons therefor.

(7) If the application is for a sexually oriented business license, the name and address of the statutory agent or other agent authorized to receive service of process. The information provided pursuant to Paragraphs (d)(1) through (7) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the City Treasurer within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

(e) The application for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with Section 899-25 of this chapter shall submit a diagram meeting the requirements of Section 899-25.

(f) If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each officer, director, general partner or other person who will participate directly in decisions relating to management of the business shall sign the application for a

license as applicant. Each applicant must be qualified under Section 899-7 and each applicant shall be considered a licensee if a license is granted.

(g) A person who possesses a valid video center license or theater license is not exempt from the requirement of obtaining a sexually oriented business license. A person who operates a sexually oriented business and possesses a video center license or theater license shall comply with the requirements and provisions of this Chapter 899 when applicable.

(h) The information provided by an applicant in connection with the application for a license under this chapter shall be maintained by the City Treasurer on a confidential basis, except that such information may be disclosed to other governmental agencies in connection with a law enforcement or public safety function, or as may otherwise be required by law.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 366-1997, eff. Nov. 21, 1997; a. Ord. No. 31-1998, eff. Jan. 28, 1998)  
§ 899-7. Issuance of License.

(a) The City Treasurer shall approve or deny the issuance of a license to an applicant for a sexually oriented business license or a sexually oriented business employee license within 30 days after receipt of an application. The City Treasurer shall approve the issuance of a license unless one or more of the following is found to be true.

(1) An applicant is less than 18 years of age.

(2) An applicant or an applicant's spouse is delinquent in the payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business or arising out of any other business activity owned or operated by the applicant or the applicant's spouse and licensed by the city.

(3) An applicant has failed to provide information as required by Section 899-5 for issuance of the license or has falsely answered a question or request for information on the application form.

(4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this chapter, other than an offense of operating a sexually oriented business without a license within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

(5) The license application fee required by this section has not been paid.

(6) An applicant of the proposed establishment has not obtained a certificate of compliance pursuant to Section 1477-310 and Section 1477-421 of the Cincinnati Zoning Code.

(7) An applicant or an applicant's spouse:

(1) Has been convicted of any offense in violation of Chapter 2907 of the Ohio Revised Code and committed in this state or any offense committed outside this state which if committed in this state would constitute an offense in violation of Chapter 2907:

(2) For which:

(1) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the specified criminal acts which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations; or

(2) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; for the specified criminal acts which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations; or

(3) Less than (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanor offenses for specified criminal acts which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business, including but not limited to, distribution of obscenity or materials harmful to minors, prostitution, pandering, or tax violations; offenses occurring within any twenty-four month period.

(b) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

(c) An applicant who has been convicted or whose spouse has been convicted of an offense listed in Paragraph (a)(7) of this section may qualify for a sexually oriented business license only when the time period required by Paragraph (b)(7) of this section has elapsed.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to that applicant, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. A sexually oriented business employee license shall contain a photograph of the licensee. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing and shall produce such license for inspection upon request by a law enforcement officer or other authorized city official.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 366-1997, eff. Nov. 21, 1997; a. Ord. No. 31-1998, eff. Jan. 28, 1998)  
§ 899-9. Fees.

The nonrefundable application fees for a sexually oriented business license or a sexually oriented business employee license shall be set by the City Treasurer at an amount determined by the Treasurer as sufficient to pay the cost of administering this program.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)  
§ 899-11. Inspection.

(a) An applicant, operator or licensee shall permit law enforcement officers, and any other federal, state, county or city agency in the performance of any function connected with the enforcement of this chapter, normally and regularly conducted by such agencies, to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with this chapter, at any time it is occupied or open for business.

(b) It shall be unlawful for a licensee, operator or employee of a sexually oriented business to refuse to permit a law enforcement officer or any agency enumerated in Subsection (a) of this section to inspect the premises at any time the premises are occupied or open for business.

(c) The provisions of this Section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)  
Penalty, Sec. 899-29

§ 899-13. Expiration of License.

Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in Sections 899-5 and 899-9. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)  
§ 899-15. Suspension.

The City Treasurer shall suspend a sexually oriented business license for a period not to exceed 30 days if the Treasurer determines that the licensee or an employee of the licensee has:

(a) Violated or is not in compliance with Sections 899-11, 899-21, 899-23, 899-25, 899-27, 899-29, 899-35 or applicable provisions of the Chapter 14 of the Cincinnati Municipal Code.

(b) Has been on the sexually oriented business premises while intoxicated;

(c) Refused to allow an inspection of the sexually oriented business premises.

(d) Knowingly permitted gambling by any person on the sexually oriented business premises.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 31-1998, eff. Jan. 28, 1998)  
§ 899-17. Revocation.

(a) The City Treasurer shall revoke a sexually oriented business license if a cause of suspension in Section 899-15 occurs and the license has been suspended within the preceding 12 months.

(b) The City Treasurer shall revoke a sexually oriented business license if the Treasurer determines that:

(1) A licensee gave false or misleading information in the application.

(2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) A licensee or an employee has knowingly allowed prostitution on the premises;

(4) A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(5) A licensee has been convicted of an offense listed in Section 899-7(a)(7)(i) for which the time period required in Section 899-7(a)(7)(ii) has not elapsed;

(6) On two (2) or more occasions within a 12-month period, a person or persons while in or on the licensed premises committed an offense listed in Section 899-7(a)(7)(i), for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed;

(7) A licensee or an employee has knowingly allowed any sexual activity to occur in or on the licensed premises. The term "sexual activity" shall have the same meaning as it is defined in Ohio Revised Code § 2907.01; or

(8) A licensee is delinquent in payment to the city of taxes or fees related to the sexually oriented business or arising out of any other business activity owned or operated by the licensee and licensed by the city.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) Subsection (b)(7) of this Section does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed sexual activity to occur in a public place or within public view.

(e) When the City Treasurer revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation becomes effective. If, subsequent to revocation, the City Treasurer finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Subsection (b)(5) of this section, an applicant may not be granted another license until the appropriate number of years required under Section 899-7(a)(7)(ii) has elapsed.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

§ 899-19. Hearing; Revocation, License Denial, Suspension; Appeal.

(a) If the City Treasurer determines that probable grounds exist for denial, suspension, or revocation of a license under this chapter, the Treasurer shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend or revoke the license, including the grounds therefor, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the City Treasurer. Within ten working days of receipt of such notice, the respondent may provide to the City Treasurer in writing a response which shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked. Within ten working days of the receipt of such written response, the City Treasurer shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The City Treasurer shall notify the respondent in writing of the hearing date within three days of the receipt of such written response. If a response is not received by the City Treasurer in the time stated or, if after the hearing the City Treasurer finds that grounds exist for denial, suspension, or revocation, then such action shall become final and notice of such final action sent to the applicant or licensee. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction. If the City Treasurer finds that no grounds exist for denial, suspension, or revocation of a license then the City Treasurer shall withdraw the intent to deny, suspend, or revoke the license and shall so notify the respondent in writing by delivery, or by certified mail of such action.

(b) When a decision to deny, suspend or revoke a license becomes final, the applicant or licensee whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal such action to a court of competent jurisdiction pursuant to Ohio Revised Code Section 2506. Any suspension or revocation of a license for a sexually oriented business does not take effect until a final decision is rendered in an appeal taken pursuant to this section.

Upon the filing of an appeal pursuant to this section by an applicant for a sexually oriented business license, said applicant shall be granted a temporary license to operate said sexually oriented business pending a final decision on said appeal. Such temporary license shall be subject to all provisions of this Chapter 899.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-21. Transfer of License.

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.  
(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

Penalty, Sec. 899-29

§ 899-22. Nudity at Sexually Oriented Businesses Prohibited.

Nudity is prohibited in any sexually oriented business including said businesses where no alcoholic beverages are sold, served or consumed on the premises and regardless of whether a permit has been issued pursuant to this Chapter 899. This section does not apply to the private rooms in an adult motel. Any sexually oriented business which is found in violation of this section shall have its permit suspended pursuant to the provisions of Section 899-15.

(Ordained by Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-23. Additional Regulations for Adult Motels.

(a) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in Chapter 899.

(b) It shall be unlawful for a person who is in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license to rent or subrent a sleeping room to a person and, within ten hours from the time the room is rented, rent or subrent the same sleeping room again.

(c) For purposes of Subsection (b) of this Section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

Penalty, Sec. 899-29

§ 899-24. Additional Regulations for Sexually Oriented Businesses.

No adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio or sexual encounter establishment shall open to do business before 10:00 a.m., Monday through Saturday; and no adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio or sexual encounter establishment shall remain open after 10:00 p.m., Monday through Saturday. No adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio or sexual encounter establishment shall be open for business on any Sunday or a legal holiday as designated in Section 308-9(a) of the Cincinnati Municipal Code. This subsection shall not apply to any business, regulated under both this chapter and section, which is not an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio or sexual encounter establishment as the same is defined in this chapter.

(Ordained by Ord. No. 31-1998, eff. Jan. 28, 1998)

§ 899-25. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos.

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements.

(1) Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all manager's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The City Treasurer may waive the foregoing diagram for renewal applications if the

applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station or viewing room may be made without the prior approval of the City Treasurer.

(4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Paragraph (a)(1) of this section.

(5) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level. It shall be duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied or open for business.

(6) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.

(7) It shall be the duty of the operator, and of any employees present on the premises, to ensure that not more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.

(8) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no openings of any kind exist between viewing rooms. No person shall make an attempt to make an opening of any kind between viewing rooms.

(9) It shall be the duty of the operator, or of any employee who discovers two or more patrons in a viewing room or discovers any person making or attempting to make an opening of any kind between viewing rooms, to immediately escort such persons from the premises.

(10) It shall be the duty of the operator, or of any employee, who discovers an opening of any kind between viewing rooms to immediately secure such rooms, and prevent entry into them by any patron until such time as the wall between the rooms has been repaired to remove the opening. Removal and repairing openings between viewing rooms shall be in a manner that is as structurally substantial as the original wall construction.

(11) It shall be the duty of the operator, during each business day, to regularly inspect the walls between viewing rooms for openings of any kind.

(12) It shall be the duty of the operator, and of any employee on the premises, to initiate and enforce a no loitering policy in viewing rooms.

(13) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

(i) That no loitering is permitted in viewing rooms.

(ii) That the occupancy of viewing rooms is limited to one person.

(iii) That sexual activity on the premises is prohibited.

(iv) That the making of openings between viewing rooms is prohibited.

(v) That violators will be required to leave the premises.

(vi) That violations of Subparagraphs (b), (c) and (d) of this paragraph are unlawful.

(14) It shall be the duty of the operator to ensure that floor coverings in viewing rooms are nonporous, easily cleanable surfaces, with no rugs or carpeting.

(15) It shall be the duty of the operator to ensure that all wall surfaces and seating surfaces in viewing rooms, or any room or area providing patron privacy are constructed of, or permanently covered by nonporous easily cleanable material.

(16) It shall be the duty of the operator to ensure that premises are clean and sanitary at all times. Cleaning procedures shall include all of the following:

(i) The operator shall maintain a regular cleaning schedule, documented by appropriate logs, and shall employ sufficient personnel to assure the establishment is clean.

(ii) The operator shall provide an employee to check all areas for garbage, trash, body fluids and excrement and to remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal

facility at least twice each week. Prior to collection solid waste shall be stored in a manner that prevents access by animals or members of the public and which will not facilitate the creation of a health nuisance.

(iii) Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, and windows and other surfaces.

(17) It shall be the duty of the operator to ensure any seating within a viewing room is designed so as to accommodate one person only.

(18) It shall be the duty of the operator to provide in a conspicuous place on the premises free information relating to the prevention of sexually transmitted diseases, including AIDS.

(19) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed 32 square feet of floor area. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this paragraph must be by direct line of sight from the manager's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

Penalty, Sec. 899-29

#### § 899-27. Loitering and Exterior Lighting and Monitoring Requirements.

(a) It shall be the duty of the operator of a sexually oriented business to:

(1) initiate and enforce a no loitering policy within the external boundaries of the real property upon which the sexually oriented businesses are located;

(2) post conspicuous signs stating that no loitering is permitted on such property;

(3) designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every 30 minutes or inspecting such property by use of video cameras and monitors; and

(4) provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business. The monitors shall be installed within a manager's station.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

Penalty, Sec. 899-29

#### § 899-29. Penalties and Enforcement.

A person who violates any provision of this Chapter 899 is guilty of a Misdemeanor of the First Degree.

The City Solicitor is hereby authorized to institute civil proceedings necessary for the enforcement of this Chapter 899 to restrain or correct violations hereof. Such civil proceedings, including injunction, shall be brought in the name of the city, provided, however, that nothing in this section and no action taken thereunder, shall be held to exclude such criminal proceedings as may be authorized by this code, or any of the laws or ordinances in force in the city or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

#### § 899-31. Applicability of Ordinance to Existing Businesses.

The provisions of this chapter shall apply to the activities of all persons and sexually oriented businesses described herein, whether such businesses or activities were established or commenced before, on or after the effective date of this ordinance.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

#### § 899-33. Regulations Pertaining to Sexually Oriented Businesses Featuring Performances.

(a) A sexually oriented business which regularly features persons who appear in a state of semi-nudity or live performances which are characterized by specified sexual activities shall be operated in accordance with the following regulations. It is unlawful for a licensee or operator to knowingly fail to ensure compliance with the regulations.

(1) A person shall not appear in a state of semi-nudity or engage in a live performance which is characterized by specified sexual activities except upon a stage elevated at least 18 inches above floor level. All parts of the stage, or a clearly designated area thereof within which the person appears in a state of semi-nudity or performs, shall be a distance of at least three feet from all parts of a clearly designated area in which patrons may be present. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three feet above floor level. No person appearing in a state of semi-nudity or engaging in such live performances or patron may extend any part of his or her body over or beyond the barrier or railing.

(2) An employee may not touch the breast, buttocks, or genitals of a patron, nor may a patron touch the breast, buttocks, or genitals of an employee.

(3) A patron may not place any money on the person or in or on the costume of an employee.

(4) A person below the age of 18 years may not observe or appear in a state of semi-nudity or in such live performances on the premises of a sexually oriented business.

(5) A sign in a form to be prescribed by the City Treasurer and summarizing the provisions of Paragraphs (a)(1), (3), and (4) of this Section, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996; a. Ord. No. 31-1998, eff. Jan. 28, 1998)

Penalty, Sec. 899-29

§ 899-35. Severability.

Chapter 899 and each section and provision of said chapter thereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

(Ordained by Ord. No. 230-1996, eff. Sept. 6, 1996)

## PEDDLERS/SOLICITORS

*City of Dublin*

### CHAPTER 115: PEDDLERS AND SOLICITORS

#### Section

- 115.01 Definitions
- 115.02 License or registration required
- 115.03 License application and requirements
- 115.04 Registration for charitable or religious purpose
- 115.05 Appeals
- 115.06 Carrying and exhibiting license or registration; nontransferability; written receipt required
- 115.07 Business hours restricted
- 115.08 Notice prohibiting peddlers or solicitors
- 115.09 Fraud prohibited; revocation of license or registration certificate
- 115.10 Permit to solicit charitable contributions on highways

115.99 Penalty

#### § 115.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHARITABLE.** Includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's medical and social research, either actual or purported.

**PEDDLER.** Any person who carries with him for the purpose of sale at retail and immediate or future delivery, goods, wares, food or merchandise, or any person who in person as principal or agent canvasses, sells or otherwise obtains orders or commitments for the sale, repair or exchange of goods, wares, food or merchandise, or services.

**RELIGIOUS or RELIGION.** Shall not include the word charitable, but shall be given their commonly accepted definitions.

**SOLICITOR.** Any person who obtains or seeks to obtain funds for any cause whatsoever by means of canvassing from place to place.

('80 Code, § 717.01) (Am. Ord. 20-94, passed 4-4-94)

#### § 115.02 LICENSE OR REGISTRATION REQUIRED.

(A) Subject to divisions (C) and (D) below, no person shall engage in the business or activity of peddler or solicitor as defined in § 115.01 in this municipality without first obtaining a license as provided in § 115.03.

(B) Subject to divisions (C) and (D) below, all persons acting for or hired by another as a peddler or solicitor in the municipality shall obtain a license as provided in § 115.03 prior to acting as a peddler or solicitor.

(C) No license shall be required of any individual who, without compensation, acts as a peddler or solicitor on behalf of and for any recognized religious or charitable not for profit organization. However, subject to division (D) below, no individual shall act as a solicitor or peddler on behalf of or for such organization without first having registered with the City Manager pursuant to § 115.04.

(D) No license or registration certificate shall be required of any person for the following:

(1) Peddling or soliciting only the purchase of or subscription for newspapers having their principal sale or distribution in this municipality or Franklin, Delaware or Union Counties;

(2) Peddling or soliciting only for wholesale delivery to merchants, manufacturers or other business or manufacturing establishments;

(3) Peddling or soliciting at the invitation or request of the person contacted;

(4) Peddling or soliciting conducted only among the members of the entity or organization conducting the peddling or soliciting;

(5) Peddling or soliciting in the form of collections or contributions at the regular assemblies, meeting or services of any recognized charitable or religious not for profit organization. ('80 Code, § 717.02) (Am. Ord. 20-94, passed 4-4-94) Penalty, see § 115.99

§ 115.03 LICENSE APPLICATION AND REQUIREMENTS.

(A) Applications for licenses for peddlers or solicitors shall be filed with the City Manager on a form to be furnished by the Manager, which shall require, at least, the following information:

(1) The name of the applicant;

(2) If the applicant is an individual, a physical description of the applicant;

(3) The applicant's social security number or federal identification number;

(4) The name and address of the person by whom the applicant is employed or for whom he is soliciting, if any, and the length of the applicant's service with such employer or person;

(5) If the applicant is an individual, all places of residence of the applicant and all employment during the preceding year;

(6) The nature and character of the goods to be sold or services to be furnished by the applicant or the purpose for which funds are being peddled or solicited.

(7) The names of other municipalities in which the applicant has recently conducted peddling or solicitation activities;

(8) Verification that the applicant or his employer has complied with the requirements of R.C. Chapter 1716 pertaining to charitable solicitations, if applicable.

(9) If the applicant is a recognized religious or charitable not for profit organization, proof of tax exempt status;

(B) Applicants who are individuals shall furnish a recent photograph of himself or herself not more than one year old.

(C) Applications shall be made at least 48 hours before the license is issued.

(D) If the City Manager determines after an investigation, that the information furnished under the requirements of division (A) above is correct; that the applicant proposes to engage in lawful commercial or professional enterprise and that neither the applicant nor the enterprise upon which the applicant proposes to engage constitutes a clear and present danger to the residents of the municipality, he shall issue a license to the applicant.

(E) The license fee charged by the City Manager shall be as set forth from time to time by ordinance. All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year when issued. Other licenses shall expire on the date specified in the license. ('80 Code, §§ 717.03, 717.04) (Am. Ord. 20-94, passed 4-4-94)

Editor's Note:

A copy of the most recent ordinance establishing current city fees and service charges is available at city offices during normal business hours.

#### § 115.04 REGISTRATION FOR CHARITABLE OR RELIGIOUS PURPOSE.

(A) Applications for registration certificates shall be filed with the City manager on a form to be furnished by the City Manger. Each application shall contain:

(1) The name, address and the telephone number of the person completing the application;

(2) The name, address and the telephone number of the person completing the application;

(3) The name of an officer or official of the organization;

(4) The nature of the charitable or religious purpose to which the contributions, donations or sale proceeds will be applied; and

(5) Such other information as the City Manager may require.

(B) An organization which desires to place a number of peddlers or solicitors in the city simultaneously may make a group application to cover all of them; however, separate registration certificates shall be issued to each or, in lieu of separate registration certificates, separate information cards shall be issued to each peddler or solicitor by the organization. Such information cards shall include, at a minimum:

(1) The name of the organization;

(2) A description of the purpose of the peddling or solicitation;

(3) The period for which the registration certificate was issued;

(4) The name of the peddler or solicitor;

(5) A brief description of the peddler or solicitor, such as age, weight, and height; and

The signatures of the peddler or solicitor and an officer or official of the organization.

(C) A registration certificate shall be valid for no more than a one-year period. The registration certificate shall state the expiration date.

(D) No fee shall be required for a registration certificate. (Ord. 20-94, passed 4-4-94) Penalty, see § 115.99

#### § 115.05 APPEALS.

Any person who has applied for a license or registration certificate in accordance with this chapter and to whom the City Manager has, after an investigation, denied a license or registration certificate may appeal to Council. Notice of such appeal shall be filed with the Clerk within five days after the denial by the City Manager. Such appeal shall be heard by Council at the next regular meeting and its decision shall be final.

('80 Code, § 717.05) (Am. Ord. 20-94, passed 4-4-94)

**§ 115.06 CARRYING AND EXHIBITING LICENSE OR REGISTRATION;  
NONTRANSFERABILITY; WRITTEN RECEIPT REQUIRED.**

(A) The license or registration certificate issued under the provisions of this chapter shall at all times be conspicuously attached and exhibited on the outer clothing of the peddler or solicitor.

(B) Licenses or registration certificates issued under the provisions of this chapter are nontransferable and shall not be used by any person other than the person identified on the license or registration certificate.

(C) Upon request, all solicitors or peddlers shall provide a written receipt showing the name of the solicitor or peddler, the amount of the contribution or purchase and the date. Upon request, all persons acting as peddlers or solicitors on behalf of any recognized religious or charitable not for profit organization shall provide a statement attesting to the organization's exempt status under Section 501 of the Federal Internal Revenue Code.

('80 Code, § 717.06) (Am. Ord. 20-94, passed 4-4-94) Penalty, see § 115.99

**§ 115.07 BUSINESS HOURS RESTRICTED.**

(A) No person shall peddle, solicit or conduct market research, door to door, at dwelling houses or businesses at random, on sidewalks or streets, at public places, at private meeting places or in any other manner or place in the municipality between 9:00 p.m. and 9:00 a.m. or on any Sunday or Holiday.

(B) This section does not apply to invitees or national charitable corporations licensed to do business in Ohio with recognized periods for campaigns, provided the organizations have been licensed to solicit by the City Manager.

('80 Code, § 717.07) (Ord. 86-88, passed 10-3-88) Penalty, see § 115.99

**§ 115.08 NOTICE PROHIBITING PEDDLERS OR SOLICITORS.**

(A) The owners or occupants of any residence or place of business may evidence a determination to refuse to receive any uninvited peddlers or solicitors by displaying a weatherproof card, decal or sign not less than three inches by four inches in size nor more than one square foot in total surface area upon or near the main entrance door to the residence or place of business, containing the words "No Peddlers or Solicitors Invited" with letters at least one-third inch in height. Any such weatherproof card, decal or sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of Chapter 153, Zoning Regulations.

(B) No person shall go upon any premises and ring the door bell, rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupants thereof and engage in peddling or solicitation in defiance of a notice displayed pursuant to division (A) above.

(Ord. 20-94, passed 4-4-94) Penalty, see § 115.99

**§ 115.09 FRAUD PROHIBITED; REVOCATION OF LICENSE OR REGISTRATION CERTIFICATE.**

(A) No person shall directly or indirectly make or perpetrate any misstatement, deception or fraud in connection with any solicitation or peddling for any purpose in the city or in any application or report filed under this chapter.

(B) No person having entered into an agreement to conduct any peddling or solicitation on behalf of any person or organization shall fail to remit or pay to the party entitled thereto the proceeds of such peddling or solicitation in accordance with the terms of the agreement.

(C) The City Manger may revoke at any time any license or registration certificate issued under the provisions of this chapter for violation of any provision of this chapter.('80 Code, § 717.09) (Am. Ord. 20-94, passed 4-4-94) Penalty, see § 115.99

**§ 115.10 PERMIT TO SOLICIT CHARITABLE CONTRIBUTIONS ON HIGHWAYS.**

(A) The City Manager may issue a permit to solicit contributions on highways from the occupants of vehicles when all of the requirements of division (B) below have been met.

(B) A charitable organization may apply for and obtain a permit to solicit contributions on highways, but not on freeways as provided in R.C. § 4511.051, as follows:

(1) The City Manager shall prescribe a form and receive applications for permits to solicit contributions on highways.

(2) Only a charitable organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax exempt status of the organization pursuant to Section 501(c)(3) of the Internal Revenue Code as amended may apply for a permit to solicit contributions on highways. A copy of the Internal Revenue Service ruling or determination letter must be attached to the application.

(3) The application shall specify the date and times for which the permit to solicit contributions on highways is sought. A permit to solicit contributions on highways shall not be issued for more than one day each calendar year, and the solicitation activities shall occur only between one hour after sunrise until one hour before sunset on that date.

(4) The application shall specify the locations for which the permit to solicit contributions on highways is sought. A permit to solicit contributions on highways shall not be issued for more than two intersections.

(5) The application shall list the names and addresses of all agents authorized to solicit contributions on highways on behalf of the charitable organization.

(6) The application shall be accompanied by a paid up liability insurance policy or certificate of insurance in the amount of not less than \$1,000,000 that insures the charitable organization for any and all claims that may arise as a result of soliciting contributions on the highways and which insurance policy contains a clause that names the City of Dublin and its elected and appointed officials, agents or employees as additional insureds under such policy.

(7) The application shall be accompanied by a signed waiver of liability from all agents authorized to solicit contributions on highways on behalf of the charitable organization for any and all claims that may arise as a result of soliciting contributions on highways.

(8) Prior to the issuance of a permit to solicit contributions on highways, the City Manager shall verify that the proposed solicitation at the locations and the date and times specified in the application does not conflict with a previously issued parade permit or scheduled public event. No more than one permit shall be issued for the use of any intersection during any calendar day, and no more than one charitable organization shall be permitted to solicit contributions on highways on the same calendar day.

(9) For each charitable organization issued a permit to solicit contributions on highways, the Police Chief shall be provided a copy of the charitable organization's application; its permit; and the names of the agents authorized to solicit contributions on highways on behalf of the charitable organization.

(10) All agents soliciting contributions on highways on behalf of a charitable organization shall possess a copy of such permit at all times during the period of such solicitation.

(11) All agents soliciting contributions on highways on behalf of a charitable organization shall wear light-colored clothing and/or safety vests and shall prominently display an identification of the charitable organization.

(12) The City Manager shall have the authority to revoke a charitable organization's permit to solicit contributions on highways, and the City Manager or the Police Chief, in their sole discretion, may order any and all of a charitable organization's agents to cease all activity if conditions become hazardous and/or inclement or if a charitable organization's agents fail to comply with the requirements of this section.

('80 Code, § 717.11) (Ord. 101-93, passed 12-6-93) Penalty, see § 115.99  
§ 115.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. Each day on which such activities are conducted in violation of this chapter shall constitute a separate offense.  
( '80 Code, § 717.99) (Ord. 45-89, passed 6-19-89; Am. Ord. 20-94, passed 4-4-94))

## PARKING: ON/OFF STREET

### *City of Barberton*

#### Chapter 1210

#### Parking, Loading, & Vehicular Areas

##### 1210.01 Purpose and Applicability

###### (a) Purpose

Parking and loading facilities located off-street are desirable to enhance access to land uses and reduce congestion and hazards on public streets.

Such facilities are, however, often difficult to provide in neighborhoods that were developed before automobile and truck usage and the provision of off-street parking and loading became common. And the provision of off-street facilities can at times even be detrimental to the character of older parts of the City. The provisions of this chapter therefore attempt to balance the benefits to the City of off-street parking and loading facilities with the physical and economic obstacles to their provision and with the desirability of retaining Barberton's traditional character.

This chapter sets requirements for off-street parking, loading, and other areas utilized by motor vehicles to reduce congestion and traffic hazards, provide proper access to land uses, and maintain and improve the character of business and residential areas.

###### (b) Applicability

Applicability of the provisions of this chapter to each type of vehicular area shall be as specified below.

###### (1) Off-Street Parking Areas

Section 1210.02

Section 1210.03

Section 1210.04

Section 1210.05

Section 1210.06

###### (2) Off-Street Loading Areas

Section 1210.02

Section 1210.03

Section 1210.08

###### (3) Off-Street Stacking Areas

Section 1210.02

Section 1210.07

###### (4) All Other Vehicular Areas

Section 1210.02

##### 1210.02 Provisions Applying to All Vehicular Areas

###### (a) Applicability

The requirements of this section shall apply to off-street parking areas, off-street loading areas, stacking areas, and all other vehicular areas, as defined herein.

Areas that are regularly used as parking, loading, stacking, or other vehicular areas shall be considered to be such areas whether or not formally designated for such purpose.

###### (b) Use of Vehicular Areas

###### (1) Allowable Uses

Except as otherwise provided herein, vehicular areas shall be used solely for:

- A. parking or stacking of motor vehicles of patrons, residents, occupants, guests, visitors, employees, proprietors, officers, or suppliers of the use they serve
- B. loading and unloading for such use
- C. vehicle circulation and maneuvering
- D. other customary accessory uses thereto, and
- E. temporary parking by authorized construction, maintenance, or repair personnel or public service or utility personnel.

###### (2) Specifically Prohibited Uses

Except as permitted in division (b)(3), there shall be in vehicular areas no:

- A. offering or display of vehicles or other merchandise for sale, rent, or lease, or

B. storage of any kind, or  
C. motor vehicle dismantling, repair, restoration, or servicing work, nor storage of vehicles undergoing such work.

(3) Exceptions

Uses prohibited in division (b)(2) shall be permitted as provided herein.

A. Vehicle sale, rental, storage, or repair shall be permitted respectively on the premises of lawful businesses engaged in such sale, storage, or repair, subject to division 1130.01(c)(2)

B. Vehicle repair shall be permitted to repair or service a disabled vehicle for no more than 72 hours in emergency situations

C. Retail sales shall be permitted in a parking structure as:

1. incidental retail that is an Accessory Use for the convenience of parkers, such as vending machines or a newsstand, or

2. ground floor retail uses within a parking structure, where such uses are allowed by the regulations of the applicable district.

D. Any prohibited use shall be permitted as an incidental non-commercial Accessory Use to single- and two-family detached or attached or townhouse dwellings or as otherwise permitted under City regulations, except that only incidental servicing, as defined herein, of motor vehicles shall be so permitted

E. Any prohibited use may be allowed as a Temporary Use under division (b)(4) of this Section.

(4) Temporary Uses

Vehicular areas shall be used temporarily for other than the purposes specified in division (b)(1)--such as for carnivals, farmers' markets, or Christmas tree or other merchandise sales--only if authorized as a Temporary Use under division 1310.04(a).

(c) Grading and Surfacing

(1) Requirement

All permanent vehicular areas shall be graded for proper drainage. Storm water runoff shall be discharged into City storm sewers or in another manner approved by the Service Director. Water shall not be permitted to drain across public sidewalks or onto abutting lots.

Except as provided in division (c)(2), all vehicular areas shall be surfaced with Portland cement concrete, asphaltic concrete, brick, paving block, or other all-weather, dust-free, hardsurfaced material approved by the Building Commissioner not including gravel or loose fill.

Load bearing capacity for loading area surfacing shall be as approved by the Service Director.

(2) Exceptions

A. I-3 District

On a lot in the I-3 Heavy Industrial District, no surfacing shall be required for any part of a vehicular area located more than 200 feet from a Residential District.

B. Residential Driveways

Driveways exclusively serving one single- or two-family dwelling are exempt from the requirement for surfacing.

C. Deficient Storm Water Facilities

The requirement for surfacing shall be deferred on a property if the Service Director determines that City storm sewers or other drainage facilities are currently inadequate to handle the run-off that would be added by the surfacing.

Surfacing shall be required at such time as facilities have been provided adequate to handle such runoff.

D. Residential Driveway Widening

Except as may otherwise be required by this Code, surfacing required herein shall not be required for a widening or other extension of a driveway serving only one single- or two-family dwelling if:

1. the original driveway does not meet the surfacing requirements herein, and

2. such extension is provided the same surfacing as the original driveway or a comparable surfacing approved by the Building Commissioner.

(d) Maintenance

All vehicular areas shall be maintained free of dust, trash, and debris.

Vehicular areas in current use shall be cleared of snow within a reasonable time after snowfalls.

The surfacing, curbing, wheel stops, lighting fixtures, marking, signage, and related appurtenances shall be maintained in good condition so long as such areas are used as vehicular areas.

(e) Landscaping and Screening

Landscaping and screening of vehicular areas shall be as provided in Chapter 1220, Landscaping and Screening.

(f) Driveways and Curb Cuts

Driveways to vehicular areas shall be subject to the provisions of division 1240.02(f) in Chapter 1240, Other Planning and Improvements Standards.

1210.03 Provisions Applying to Parking and Loading Areas

(a) Applicability

(1) To Uses

Off-street parking and loading shall be provided in conformance with Tables 1210A - 1210D and other provisions herein for:

- A. all uses established after the date of effect of this chapter, and
- B. all existing uses that are conforming in the number of parking spaces and that are:
  1. enlarged or expanded, or
  2. otherwise changed in density, intensity, capacity, or other measure that determines requirements hereunder, or
  3. changed to any other use to which different parking or loading requirements herein apply.

No additional spaces shall be required for expansion or change of a use if the standards herein would require an increase over the spaces already provided of below 15 percent.

Parking for changed, enlarged, or expanded uses that are nonconforming in the number of parking spaces shall conform to Table 1340A.

(2) To Spaces

The requirements herein shall apply to any provision, removal, enlargement, alteration, maintenance, or use of any off-street parking or loading spaces or areas that either:

- A. are existing as of the effective date of these regulations, or
- B. are new spaces or areas required to be provided or voluntarily provided in excess of the requirements herein.

The requirements apply to parking that is either a Principal or Accessory Use.

(3) To Open Sales Lots

Open sales lots or storage lots for motor vehicles shall not be considered as parking.

(b) Exceptions to Parking and

Loading Requirements

(1) Variances

Variances to parking and loading requirements may be approved as Variances under division 1310.03(a).

(2) Alternative Space Needs Data

The Planning Commission may approve exceptions to parking and loading requirements as a Special Exception under division 1310.03(b) on the basis of submission by the applicant of parking or loading demand studies, documented industry standards, or other evidence of fact or expert opinion satisfactory to the Commission that:

- A. peak parking demand for the use necessitates fewer spaces than required herein, or
- B. other requirements of this chapter are inapplicable to the particular use.

(3) C-D District

No off-street parking or loading spaces shall be required for any use in the C-D Downtown Commercial District. This exemption is made in order to minimize curb cuts disruptive to safe and efficient pedestrian circulation and to encourage provision Downtown, where land for parking is limited, of public parking spaces in centralized locations.

(4) Time-Shared Parking or Loading

A. Eligibility

The Planning Commission may, as a Special Exception under division 1310.03(b), credit off-street parking or loading spaces that are provided for one use toward the spaces required herein for another use that normally uses them at different times of the day, week, and/or year upon request of an applicant and subject to the requirements of this division.

If the Commission determines that any use proposing to share spaces provided for another use is likely to regularly utilize such spaces during all or most of the same time periods, it shall disallow the crediting of such spaces.

B. Location of Shared Parking

Credited parking spaces shall be located no further from the additional use(s) to which they are to be credited than the distances specified in division 1210.06(b)(2), Distance From Use.

C. Agreement

Credited spaces shall be included in a written agreement filed with the Commission and approved as legally sufficient by the Director of Law.

1. Users

The agreement shall allow the utilization of credited spaces by the additional use(s) to which they are to be credited and specify the times, if any, to which such utilization is restricted.

2. Times of Use

The agreement shall specify the type of establishment and hours, days, or periods during the year during which spaces proposed for crediting are normally used thereby seven days a week for both the use(s) for which the spaces are provided and for the use(s) to which they are also to be credited hereunder.

3. Spaces Not Reserved

The agreement shall specify that no space to be credited shall be a reserved parking space, as defined herein, 24 hours a day.

D. Signage

A directional sign at each entrance to the facility shall indicate the availability of the spaces therein to each use to which they have been credited together with the limitations on when they may be occupied for each such use.

(c) Preservation of Existing Spaces

(1) Reduction in Compliance Prohibited

No off-street parking or loading spaces or areas provided in full or partial conformity with the provisions of these or previous regulations, shall be reduced in size, number, or other characteristic below or further below the requirements herein so long as the use they serve continues in operation unless they are replaced with equivalent spaces.

A use that undergoes a reduction in floor area or other measure specified herein for determining the number of required spaces may nonetheless reduce the number of spaces to those required herein for the smaller use.

(2) Current Lease or Agreement Required

A party providing required spaces through a lease or other agreement under division 1210.04(c)(2) or (c)(3) shall possess a currently valid lease or other agreement therefor at all times that the use remains in operation.

(3) Conversion of Residential Garages

Residential garages shall not be converted into non-parking use if the level of compliance with parking requirements herein will be reduced, or the degree of nonconformity increased, after such conversion.

(d) Illumination

(1) Intensity

Uses providing illuminated open parking spaces or loading spaces shall provide not less than 0.2 footcandles of illumination at the surface of each parking space.

(2) Glare

Illumination shall be shielded, diffused, or indirect so as not to produce glare on abutting lots or public streets.

(3) Hours

No later than 30 minutes after the close of the parking or loading facility or of all the uses it serves, lighting facilities for off-street parking and loading areas shall be extinguished or, if needed for security in the judgment of either the parking provider or the Building Commissioner, reduced to an intensity approved by the City Engineer.

(e) Access

(1) Access from Street

Each off-street parking and loading area shall have vehicular access to and from a public street or alley in a manner that will least interfere with traffic movement thereupon.

(2) Aisle or Drive Required

Each required off-street parking space and loading space not having direct access to a street or alley shall open directly upon an aisle or driveway of such width and design as to provide a safe and efficient means of vehicular access.

Dimensions of aisles shall be as provided in Table 1210D. Dimensions of driveways shall be as provided in Table 1240E.

(3) Small Parking Areas Exempt

Uses required hereunder to provide 6 or fewer parking spaces or less than 2 loading spaces are exempt from the requirements of division (e)(2) as they apply to parking spaces or loading spaces, respectively.

(4) Tandem Parking Exempt

Tandem parking spaces, as defined herein, shall be allowed for parking or loading only:

A. for valet parking, as also defined herein, or

B. for parking used exclusively by parkers who normally leave the parking facility at the same time, such as parking for sporting or entertainment events or worship services, or

C. for all parking spaces provided for the exclusive use of any individual single-, two-, or multiple-family residential dwelling unit except the first space provided therefor.

(5) Forward Vehicular Motion

Off-street parking areas, except for uses providing 6 or fewer parking spaces, and off-street loading areas shall be designed to enable vehicles to enter or leave them moving in a forward direction. Space for vehicle maneuvering necessary for compliance herewith shall be provided on the lot.

(6) Dead-End Aisles

Except in the case of attended parking areas, as defined herein, spaces at the end of dead-end aisles shall be provided with back-up space for the vehicles parked therein that has been approved as sufficient by the City Engineer.

(f) Other Provisions

(1) Spaces Credited to a Single Use

No parking or loading space shall be credited as a required parking or loading space for more than one use---or as both a parking space and a loading space for the same use---except for spaces qualifying as Time- Shared Parking or Loading under division (b)(4) of this section.

Required parking spaces may, however, be available as parking spaces to more than one use, as in shopping center parking lots or City parking facilities.

(2) Site Plan Required

A Site Plan showing off-street parking and loading facilities shall be required as provided in Table 1320C.

The Building Commissioner may defer this requirement in any instance in which the specific use of the premises, and therefore the specific parking and loading requirements applicable, are not yet determined, such as may be the case for an industrial subdivision.

(3) Temporary Parking or Loading Areas

A temporary off-street parking or loading area not conforming to one or more requirements of this chapter may be approved as a Temporary Use under division 1310.04(a).

(4) Occasional Parking or Loading Areas

Off-street parking or loading areas that do not conform to one or more requirements of this chapter may be approved by the Planning Commission as a Special Exception under division 1310.03(b) if they are used repeatedly but only on an occasional, non-daily basis.

(5) Signs

All signs accessory to off-street parking and loading areas shall conform to the provisions of Chapter 1230, Sign Regulations.

1210.04 Number of Parking Spaces Required

(a) Requirements

The number of parking spaces required for any use shall be determined by:

(1) the applicable figures in Tables 1210A and 1210C, and

(2) reductions to such figures as provided in division (d) of this section.

More than one type of reduction may be applied to a single use. Each such reduction shall be separately computed based on the number of spaces required in Tables 1210A and 1210C. Spaces required hereunder may be any of the types of spaces specified in division (b) of this section. They may be provided through any of the means specified in division (c) of this section.

(b) Types of Parking Spaces

Except as specifically provided otherwise in this chapter and subject to applicable regulations therein, any of the types of parking spaces listed in this division may be used to satisfy in whole or in part the requirements herein to provide off-street parking.

(1) Types of Spaces by Location

A. On-Site Spaces

On-site spaces are off-street spaces provided on the same lot as the establishment(s) they serve.

B. Off-Site Spaces

Off-site spaces are off-street parking spaces provided on a different lot than the establishment(s) they serve and that are subject to the requirements of division 1210.06(b).

C. On-Street Spaces

In special circumstances only, on-street spaces may be credited toward a requirement for off-street parking as provided in division (d)(2)D of this section.

(2) Other Types of Spaces

Required parking spaces may be either free or paid parking. Required spaces for employees and residents shall be without time limit; other spaces may have time limits. Required spaces may be in open surface parking or in structures.

(c) Options for Parking Space Provision

Except as specifically provided otherwise herein, the requirement herein for a use to provide the number of off-street parking spaces specified in division (a) of this section may be satisfied in any of three ways.

(1) Direct Provision by the Use

A use or property owner may install and maintain parking spaces on land it controls.

(2) Leases or Other Agreements

A use may obtain required parking spaces under a lease, an agreement for Time-Shared Parking under division 1210.03(b)(4), or another agreement for the provision of spaces that are under different ownership or control than the use they serve.

Such agreement shall have been approved for legal sufficiency by the Director of Law, shall confirm the availability of the spaces to the use, and shall be transferable to subsequent uses on the same property.

(3) Financial Support of Multi-User Parking

If approved by the Planning Commission as a Special Exception, a use may provide partial financial support for installation and maintenance of parking spaces provided jointly for multiple uses, such as in City parking lots or multi-user private lots.

(d) Reductions in Number of Spaces

(1) Administration

A. Applicant Must Establish Eligibility

The applicant for any reduction in number of spaces under this division (d) shall be completely responsible

for providing, and certifying in an affidavit to the completeness and accuracy of, all data and information required to establish eligibility therefor.

B. Reporting of Reductions

Any action taken to reduce the number of required parking spaces under division (d) shall be reported in writing within 5 days of the action to the Building Commissioner.

C. Change in Eligibility for Reduction

A use that provides a reduced number of spaces as permitted herein but ceases to comply with the applicable requirements therefor for any reason and does not then supply the number of spaces required without the reduction, shall become nonconforming with respect to the number of spaces. A parking reserve area under division (e) may be required in order to prevent such nonconformity.

A use that did not initially comply with the requirements for a reduction, including the required approval specified, but that later complies, shall qualify for the reduction subject to the other provisions herein.

(2) Types of Reductions

A. Uses Sharing Patrons and Employees

The Building Commissioner may find based on data submitted by the applicant that a use requiring parking is combined with a second use utilizing the same parking area that:

1. serves as a subsidiary use, and
2. shares all its employees with the first use, and
3. is normally utilized by customers, visitors, or employees only as part of a stop to

utilize the first use.

Upon making such findings, he or she shall waive the spaces required for the second use.

For example, a service station with a convenience food store that is sub-sidiary to the station, is normally patronized only while doing business with the service station, and is serviced by the same employees, shall be required to provide only the spaces required for the service station.

B. Captive Market Uses

The Planning Commission may determine that a use not qualifying under division (d)(2) does not require the normal amount of parking because it benefits from a captive market.

With a captive market, a use draws a significant number of customers or visitors who do not arrive at the use by motor vehicle because the use is located on the same lot as, or within walking distance of, a second use or uses that generate such customer or visitor traffic.

For example, a restaurant located in an office building may draw some customers from the offices therein and may not therefore require parking for those customers. Or a convenience market may be located close enough to a concentration of housing to draw pedestrian traffic therefrom.

The Commission may in such cases reduce the parking required for the first use by an amount approximating the percentage of captive market patronage accounted for by the second use.

C. Reduction for Employee Spaces Demand Reduction

The Planning Commission may reduce the number of spaces required

for the employees of a use if the use submits binding written agreements approved as legally sufficient by the Director of Law for the institution of and continuing maintenance by an employer of programs likely in the judgment of the Commission to significantly reduce demand for employee parking. Such programs may involve car pooling, subsidy of employee bus fares, charging employ-ees for parking, or other measures.

D. Reduction for Use of On-Street Spaces

The Planing Commission may approve as a Special Exception the crediting toward required parking spaces of one on-street space per 20 feet of street frontage located within the applicable distance specified in division 1210.06(b)(2) excluding driveways and no-parking areas. To approve such crediting, the Commission shall find that:

1. such spaces will be reasonably available to the use, and
2. without such crediting, provision of the required number of spaces less all other applicable reductions provided by this division is impractical.

E. Reduction for Senior Housing

The Planning Commission may as a Special Exception reduce by no more than 50 percent the number of spaces required for multi-family residential buildings upon finding that:

1. such buildings consist of not less than 90 percent senior citizen dwelling units, as defined herein, and

2. probable lower vehicle ownership among residents as evidenced by data submitted by the applicant will reduce resident parking demand.

F. Reduction Under PUD

The number of required spaces may be reduced for a development approved under Planned Unit Develop-ment procedures as provided in Section 1310.06.

G. Other Reductions

The number of required spaces may be reduced on the basis of alternative data on parking space needs under division 1210.03(b)(2), timeshared parking under division 1210.03(b)(4), or by Variance under division 1210.03(a)(1).

(e) Parking Reserve Areas

(1) When Required

An on- or off-site open area reserved for possible future conversion to parking may be required as a condition of a reduction in the number of required parking spaces under division 1210.03(b) or 1210.04(d) or other provision of this Code.

In determining whether to require such an area, the applicable Review Body shall consider:

A. the likelihood of a future need for additional parking, and

B. the availability of land therefor either on the site or within the distances specified for off-site parking in division 1210.06(b)(2).

(2) Size of Reserve Area

The reserve area shall be large enough to accommodate in surface parking a number of parking spaces equal to the difference between:

A. the number of spaces provided for the use and

B. the number required by Table 1210A or 1210C without the reduction(s) that require a reserve area.

The Site Plan required by Table 1320C shall show the boundaries of the reserve area.

(3) Use of Reserve Area

A parking reserve area shall be used only for open space, outdoor recreation, outside storage where permitted, or other purposes that would not impose significant obstacles to its later conversion to parking. Vegetative ground cover shall be installed and maintained in all areas not requiring a different surface for any such use.

(4) Other Requirements

A parking reserve area shall be sized, located, and otherwise arranged so as to allow, upon its conversion to parking, conformance to all requirements of City regulations that applied to off-street parking at the time of its original installation.

(5) Covenant and Guarantee

Prior to the issuance of a Certificate of Compliance for any use required to provide a parking reserve area, the applicant for the Certificate shall execute and record with the Summit or Wayne County Recorder, as applicable, a covenant running with the land for the benefit of the City of Barberton.

The covenant shall specify that at such time as the City determines that eligibility has ceased for an applicable parking space reduction utilized on the property, the property owner will install the number of reserve spaces, or any portion thereof specified by the Building Commissioner, within 90 days of the date of the Commissioner's written request or within any extension thereof that he or she may grant.

The Commissioner shall make such request only upon determining that the spaces required to be installed are necessary to achieve the purposes of this chapter. The covenant shall remain in effect until the number of reserve spaces has been reduced to zero.

The property owner shall provide a financial guarantee of future installation of parking in the reserve area until such time as the City has determined the reserve area is no longer needed for additional parking. The guarantee shall conform to the requirements of Section 1350.02.

1210.05 Parking of Special Vehicles

(a) Parking of Commercial Vehicles

(1) Applicability

The requirements of this division (a) shall apply to all commercial vehicles, as defined herein, including those that are restorable vehicles, as also defined herein.

(2) In Residential Districts

A. Restricted Vehicles

There shall not be parked or stored on a lot in a Single- or Two-Family Residential District:

1. any commercial vehicle weighing more than 9,000 pounds unloaded, or
2. over 1 commercial vehicle below such weight per dwelling unit, or
3. any trailer not used for recreational purposes, such as to tow a boat or snowmobile.

B. Exceptions

Notwithstanding division (a)(2)A, any vehicle specified therein may be parked or stored:

1. in an enclosed building that conforms to regulations applicable in the District, or
2. temporarily for loading or unloading of household belongings for the purpose of moving a residence, or

3. temporarily for deliveries, repairs, construction, landscaping, earth moving, maintenance, garbage pickup, or utility or service calls.

C. Other Regulations

No vehicle of any kind parked or stored in any Residential District shall by virtue of its contents or of the activities associated with it create health or safety hazards or nuisances affecting neighboring properties.

(3) In Other Districts

There shall be no restrictions on parking or storage of commercial vehicles in non-residential districts other than as provided in division 1210.06(a) or elsewhere in City regulations.

(b) Parking of Recreational Vehicles

(1) In Residential Districts

A single recreational vehicle, as defined herein, per dwelling unit may be parked or stored for more than 3 consecutive days on a lot in a Residential District subject to the restrictions herein. The provisions herein shall not apply to van conversions.

A. Not Used as Dwelling

The vehicle shall not be occupied for living or sleeping purposes while on the lot.

Please Note: To view the Recreational Vehicle Parking Graphic, see page 1210-13 of the printed version of the Barberton Development Code

B. Stored Collapsed

It shall be stored in its collapsed position if it is a vehicle of the collapsible type not stored in a garage, carport, or covered parking space.

C. Parking Locations

1. Short-Term Parking

The vehicle may be parked or stored for no longer than 72 hours in an actual front or corner side yard for purposes of loading or unloading.

2. Long-Term Parking

The vehicle may be parked or stored for over 72 hours only in the locations specified herein.

a. Inside a Structure

The vehicle shall be parked in a garage, carport, or covered parking space, where one exists on the premises large enough to accommodate the vehicle.

b. In Rear or Side Yard

Otherwise, the vehicle shall be parked in the driveway or a widening thereof with surfacing conforming to division 1210.02(c) located in an actual rear or interior side yard behind the front building line and no less than 3 feet from any lot line.

c. Multi-Family

Otherwise, where the dwelling unit does not have its own driveway (as may be the case with multi-family units), the vehicle shall be parked in an open off-street parking space on the premises outside of an actual front or corner side yard or in an off-street space off the premises.

(2) In Other Districts

There shall be no restrictions on parking of recreational vehicles in non-residential districts.

(c) Parking of Collector Vehicles

A maximum of 2 restorable vehicles, as defined herein, owned by one or more residents of the premises may be parked in the open on any lot in an RS, RT, or RA District subject to the requirements herein.

(1) Type of Vehicle

No such vehicle shall be a commercial vehicle, as defined herein.

(2) Location

The vehicle shall be located in conformance with the standards for location of recreational vehicles in division (b)(1)C of this section, except that in no case shall such a vehicle be located in an actual front or corner side yard.

(3) Covering

If located in the open, the vehicle shall be concealed with a car cover or comparable covering except while being actively worked on.

(4) Safety

To prevent entry by small children, vehicle doors, tailgates, hatches, and trunk lids shall be either locked or wired shut except while actively being worked on.

(5) Parts and Tools

Detached vehicle parts, materials, and tools shall not be stored in the open.

The provisions of this division shall not be interpreted to allow any business related to the repair, dismantling, restoration, or sale of such vehicles except as may be allowable under other provisions of this Code.

(d) Parking of Junk Vehicles

No junk vehicle, as defined herein, shall be parked or stored in any district unless it is parked:

(1) entirely within an enclosed building, or

(2) in connection with a motor vehicle servicing or repair shop; dismantling or restoration service; junk, salvage, or wrecking yard; motor vehicle sales establishment; or other business employing such vehicles in its operations.

Junk vehicles parked or stored in the open shall be subject to the screening requirements of Chapter 1220, Landscaping and Screening.

1210.06 Other Parking Provisions

(a) Allowable Open Parking

No motor vehicle, boat, or trailer shall be parked or stored on the premises of any use other than in a completely enclosed structure except:

(1) vehicles owned, leased, temporarily borrowed, or rented by persons or organizations lawfully occupying the premises, and

(2) vehicles proprietors, officers, or employees of organizations occupying the premises used to reach work the same day, and

(3) vehicles of customers, clients, suppliers, contractors, guests, or visitors parked temporarily while visiting occupant persons or organizations or for loading, unloading, moving, construction, maintenance, repair of the premises, or for public service or utility work, and

(4) vehicles awaiting service, repair, or delivery to or pick-up by a customer of a vehicle repair or service establishment that are parked no longer than 72 hours prior to and 72 hours after such service, with no more than 2 such vehicles per service bay parked overnight

(5) vehicles available for sale, rent, or lease on the premises of uses permitted under applicable City regulations to engage in such business.

No unlicensed semi-trailer or other unlicensed commercial vehicle shall be parked or stored in the open on any premises for purposes of storage of any materials therein.

Where off-site parking is permitted hereunder, the premises of a use shall be considered for purposes of this division to include the off-site parking area.

(b) Off-Site Parking

(1) When Permitted

Except as may be specifically provided otherwise in this Code, in RS, RT, and RA Districts required off-street parking for dwellings shall be provided on the same lot as the use served. Parking spaces within garages or carports and on driveways shall be counted as required spaces for such dwellings.

In all other cases, required parking may be fully or partially provided off-site on a separate lot that is in the same possession by deed, lease, or other written instrument as provided in division 1210.04(c)(2).

(2) Distance From Use

Required parking provided off-site shall be located within the distance provided below.

Use Served		Maximum Walking Distance From Use Served in Feet:		
		Residents	Spaces For Customers, Clients & Visitors [a]	Employees [b]
Multi-Family Residential:	400	600	1,500	
Commercial, Entertainment, Retail Office:	N/A	400	1,500	
Institutional:		N/A	600	1,500
Office/Industrial:	N/A	800	1,500	

[a] Valet parking is exempt from this requirement.

[b] The Planning Commission may approve a greater distance for employee parking if shuttle bus or van service is provided during AM and PM peak hours between the parking area and the use with a frequency

the Commission deems adequate and if the distance to be walked by an employee using the service does not exceed the table figure.

For purposes of determining the applicability of this division, the Planning Director shall determine how many of the spaces required are to be considered as employee spaces, customer/visitor spaces, and resident spaces. He or she may require information from the provider for use in making this determination. His or her determination may be appealed as provided in division 1310.03(c).

(3) Districts Allowed In

In a Residential District, an off-site parking area shall be a Permitted Use if it exclusively serves one or more uses that are Permitted Uses in the same district.

It shall be a Conditional Use if:

A. it serves a use or uses that are Conditional Uses in the district, or

B. it is located on a lot within the distances specified in division (b)(2) of a non-residentially zoned lot and exclusively serves such lot.

In non-residential districts, off-site parking areas for any use shall be a Permitted Use.

Please Note: To view the Parking in Street Yards Graphic, see page 1210-16 of the printed version of the Barberton Development Code

(c) Parking In Yards

(1) Yards Permitted In

A. Street Yard Parking Prohibited

In RM Multi-Family Residential, O Office, and I Industrial Districts, Accessory Use parking areas for other than single-or two-family or townhouse dwellings shall not be located in actual front or corner side yards. Such yards shall be landscaped as provided in Chapter 1220.

B. Yard Parking Permitted

Except as provided in division (c)(1)A, off-street parking areas may be located in any required or actual yard, subject to the landscaping requirements of Chapter 1220.

Please Note: To view the Single-Family Parking Graphic, see page 1210-16 of the printed version of the Barberton Development Code

(2) Parking in Residential Yards

A. Coverage

In RS, RT, and RA Districts, coverage of actual yards by parking areas, driveways, or parked vehicles shall not exceed the figures in the table below.

Actual Yard

Maximum Coverage in Percent of Yard Area

Front or Corner Side:

RS Districts 25 %

RT, RA Districts 35 %

Interior Side --

Rear 50 %

B. Exception

In RS Districts where there is no attached garage and the dimensions of actual side yards and the absence of an alley preclude vehicular access to the interior side and rear yards, maximum coverage of front and corner side yards shall be 35 percent.

C. On Driveway Only

In RS, RT, and RA Districts all motor vehicles not enclosed within a building shall be parked entirely upon a driveway or comparably surfaced widening thereof and shall not encroach upon any sidewalk.

(d) Interconnection of Parking

(1) Interconnection Required

To enhance convenience for the public and avoid unnecessary and potentially hazardous turning movements on public streets, an open accessory off-street parking area shall be connected to any other such area or portion thereof it abuts that is located either on the same lot or on an abutting lot.

This requirement shall apply to parking areas serving any retail, personal service, entertainment, retail office, or other office use(s), all as defined herein, open to the public.

(2) Means of Connection

Such connection shall be by either:

A. an alley abutting both areas, or

B. an access drive on the lot that allows convenient motor vehicle movement in both directions between the areas without entering the street.

(3) Easements Required

Easements judged legally sufficient by the Director of Law allowing traffic to move between such parking areas on abutting parcels in different ownership shall be submitted to the Building Commissioner prior to issuance of a Certificate of Compliance for any such parking areas not connected by an alley.

If the current owner of an abutting lot will not grant such easement, the parking area on the subject lot shall be so designed as to allow such connection in the future.

No off-street parking area, whether or not currently abutting another such parking area, shall be approved without submission of an agreement by the property owner to grant

such easement to any future abutting parking area to which these provisions may apply. Such agreement shall have been approved as legally sufficient by the Director of Law.

(4) Exceptions

The Building Commissioner may exempt a parking area from the requirement for interconnection if he or she determines that inter-connection would not be likely to significantly facilitate circulation between nearby uses.

(e) Handicapped Parking Spaces

(1) Number

All off-street parking areas except those providing only valet parking spaces shall reserve for the handicapped the cumulative number of spaces provided in the table below, rounded upward to the next whole space.

Spaces in Parking Facility	Number of Handicapped Spaces Required Per 25 Spaces or Fraction
First 100 spaces	1
Second 100 spaces	0.5
3rd, 4th, and 5th 100 spaces	0.25

Facilities with from 501 to 1,000 spaces shall provide handicapped spaces totalling 2 percent of the spaces in the parking facility. Larger facilities shall provide 20 handicapped spaces plus 1 handicapped space per 100 spaces over 1,000 spaces in the parking facility.

Facilities providing medical care and other services for the mobility-impaired shall in lieu of all foregoing figures provide handicapped spaces totalling 10 percent of the spaces in the parking facility. Facilities specializing in such services shall provide handicapped spaces totalling 20 percent of all spaces in the parking facility.

(2) Van-Accessible Spaces

One of every 8 handicapped spaces provided shall be van-accessible spaces, with a minimum of one such space per parking facility. Van-accessible spaces are not required to be restricted to use by vans.

(3) Location

All such spaces located in on-site Accessory Use parking areas shall be located on the shortest handicapped-accessible route to the single handicapped-accessible building entrance of the Principal Use.

All such spaces that are in Principal Use parking areas or Accessory Use off-site parking areas shall be located on the shortest handicapped-accessible route to the single elevator, wheelchair ramp, or other point of barrier-free access to the single handicapped-accessible entrance to the parking facility. In facilities having more than one handicapped-accessible entrance, such spaces shall be located on the shortest handicapped-accessible routes to all such entrances.

(4) Signage

All handicapped spaces shall display a sign bearing the symbol of accessibility in a location that cannot be obscured by a parked vehicle. Van-accessible spaces shall in addition display below the symbol of accessibility the words "Van-Accessible."

(5) Valet Parking

Facilities having only valet parking spaces shall provide a passenger loading area on a handicapped-accessible route to the entrance to the use served.

(6) Dimensions

Handicapped spaces shall conform to the dimensions specified in Table 1210D.

(f) Other Parking Requirements

(1) Small Car Spaces

Up to 30 percent of the following kinds of required off-street parking spaces may be of small car parking space dimensions as provided in Table 1210D:

- A. employee spaces, as determined by the Planning Director
- B. lodging guest or resident spaces located in a parking structure.

Such spaces shall be identified by signage as intended for small cars only.

(2) Marking

A. Marking Required

All permanent off-street parking spaces shall be marked by durable painted lines, tiles, curbs, or other means approved by the Building Commissioner that clearly designates individual spaces and distinguishes such spaces from maneuvering, loading, open sales or storage, or other areas on the lot or in the structure.

B. Exemptions

Marking shall not be required for:

- 1. parking spaces established for exclusive use of individual single- or two-family structures or individual single-family attached or townhouse dwellings, or
- 2. tandem parking spaces, as defined herein, or
- 3. parking spaces at service station fuel pumps and other spaces that are not customarily marked
- 4. temporary spaces established under division 1210.03(f)(3)
- 5. occasional spaces established under division 1210.03(f)(4).

(3) Wheel Stops or Curbing

A. Where Required

Where open parking spaces are so located that vehicles parked therein might extend beyond the parking surface--such as onto streets, sidewalks, other pedestrian ways, landscaped areas, screening, or abutting lots in different ownership--there shall be installed concrete wheel stops or curbing or other means of restraint approved by the Building Commissioner to prevent such encroachment.

The Commissioner shall not approve highway guard rail type structures for this purpose except where he or she determines such structures necessary for public safety.

B. Exemption

This requirement shall not apply to uses with 6 or fewer parking spaces.

(4) Off-Site Space Rental

No more than two parking spaces on a lot in an RS, RT, or RA District may be rented to a person not resident thereupon for the parking of a vehicle, and such vehicle shall not be a commercial vehicle. Such spaces shall conform to all applicable requirements herein for on-site spaces.

(5) Parking Structures

Structures providing parking shall conform to the standards for building height, yards, and other requirements for Principal or Accessory Use buildings, as applicable, of the applicable district.

(6) Other Regulations

Off-street parking areas shall conform to the requirements for vehicular areas in Section 1210.02 and for parking and loading areas in Section 1210.03.

1210.07 Off-Street Stacking

(a) Dimensions

Stacking spaces, as defined herein, shall be no less than the following dimensions:

Width: 10 feet                      Depth: 20 feet.

(b) Number of Spaces

The number of stacking spaces required shall be as provided below.

Use	Number of Spaces Required	Location of Spaces
Car Wash	10	At vehicular entrance to building
	1	At vehicular exit from building
-----		
Drive-Through Establishment	5	Between entrance street [a] and first station [b]
stations	2 [c]	Between first [b] and last [d]

street [e]

[a] The right-of-way of the street from which vehicles enter the drive-through lane.

[b] The station abutting each drive-through lane closest to the entrance to such lane from the street. The space opposite this station shall be credited toward this requirement.

[c] Shall not apply to drive-throughs having only one station.

[d] The station abutting each drive-through lane closest to the exit from such lane to the street. The spaces opposite this station or any other station other than the first shall be credited toward this requirement.

[e] The right-of-way of the street into which vehicles exit from the drive-through lane.

The Building Commissioner may reduce the number of spaces required if the City Engineer makes a written finding based on a traffic analysis submitted by the applicant that such reduction will not normally result in congestion or traffic hazards on public streets.

(c) Other Regulations

Stacking areas shall conform to the requirements for vehicular areas in Section 1210.02.

1210.08 Off-Street Loading

(a) Location

(1) On Same Lot

Off-street loading spaces shall be located on the same lot as the use to be served, except as otherwise specifically permitted herein.

(2) In Rear Yards Only

Loading spaces shall be located outside of:

- A. required front yards
- B. required side yards, and
- C. any required yard abutting a lot in a Residential District.

(3) No Projection Into Street

Except as provided in division (a)(5), loading spaces and related maneuvering areas shall be located or provided with suitable barriers so that no portion of a parked vehicle shall project across a public sidewalk or into a street or alley.

(4) Within Building

Loading spaces may be located outside of or within a building.

(5) In Alley

Loading spaces may be provided in an alley or on the street if the Building Commissioner determines that off-street provision is impractical.

(b) Number and Dimensions

Numbers and dimensions of off-street loading spaces shall be as provided in Tables 1210B and 1210D.

(c) Other Regulations

Off-street loading areas shall conform to the requirements for vehicular areas in Section 1210.02 and for parking and loading areas in Section 1210.03.

Table 1210A: Required Number of Off-Street

Parking Spaces for Residential & Lodging Uses

	Minimum Number of Spaces Required Per Dwelling or Lodging Unit	
<b>RESIDENTIAL [a] [b]</b>		
Efficiency Units		1.25 [c]
1-Bedroom Units		1.5 [c]
All Other Units		2.0
Small Existing Lots [d]	0	
Home Occupations		[e]
Lofts	[e]	
<b>LODGING [b] [f]</b>		
Bed & Breakfast		1
Hotel or Motel	1 [g]	
Apartment Hotel		1
Rooming House [h]		0.5

Requirements may be reduced under 1210.04(d).

Requirements do not apply in C-D District.

See also Table 1210C for spaces for other uses.

Fractional spaces shall be rounded to the nearest integer, except that all values greater than zero and less than one shall be rounded to one.

[a] Includes single- and two-family detached or attached, townhouses, apartments, group homes, and manufactured homes. Required spaces include visitor parking but shall be increased by 1 space for each roomer or lodger with a car on the premises.

[b] One space for each truck or business vehicle employed by an establishment on the premises shall be provided in addition to the number of spaces indicated in this table.

[c] In manufactured home parks, the requirement of the Ohio Department of Health for 2.0 spaces will supercede this requirement.

[d] Single- or two-family detached dwellings on existing lots of record having a lot width of less than 60 feet and lacking access to an alley.

[e] See Table 1210C.

[f] Plus 1 space per employee on largest shift.

[g] Plus spaces for any restaurant, tavern, nightclub, retail, and meeting rooms. Provisions of 1210.04(d)(2)A or B may apply.

[h] Number of spaces per bed, not per unit.

Table 1210B: Required Number of Off-Street Loading Spaces

	No. of Spaces per 25,000 SF	Standard	Applies From (SF)	Up To (SF)
<b>Low Usage</b>				
1. Office	0.25	30,001	-	
2. Medical Office	0.25	5,001	-	
3. Hospital	0.25	0		500,000
4. Public School, Assembly, Recreation	0.25	0		-
<b>Moderate Usage</b>				
1. Wholesale	0.5	0		50,000
	0.25	50,001	-	
2. Shopping Center	0.5	0		100,000
	0.25	100,001	500,000	
	0.125	500,001	-	
<b>High Usage</b>				
1. Other Retail	0.83	10,001	70,000	
	0.31	70,001	-	
2. Quality or Family Restaurant	0.83	0		-
3. Industrial	1	0		50,000
	0.5	50,001	100,000	
	0.25	100,001	-	

SF: Square feet of net floor area.

Fractional spaces shall be rounded to the nearest integer, except that all values greater than zero and less than one shall be rounded to one.

Requirement is the total of all applicable figures.

Uses providing no loading spaces shall provide other facilities approved by the Building Commissioner that facilitate loading.

Requirements for uses not listed shall be as provided for the most similar use.

Requirements of this table shall not apply in the C-D Downtown Commercial District.

Table 1210C: Required Number of Off-Street Parking Spaces for Non-Residential and Non-Lodging Uses

Comment	Minimum Number of Spaces Required [a]			
	Per [b] Employee	Square Feet Floor Area	Per 1,000 Design Capacity [c]	Per Person Other or

SCHOOLS					
Elementary	1	---	---	---	
Junior High	1	---	---	---	
High School	1	---	---	.25 [d]	
Commercial Auditorium, School	1	---	---	.25 [d]	
	-	--	17	---	
RECREATIONAL					
Arena/Stadium	---	---	---	.30	
Auditorium (non-school)	---	33	---	---	
Boat Launch ramp.	---	---	---	---	8 spaces per
Boat Storage/Repair	0.5	---	2.0	---	
Bowling Alley bowling lane.	---	---	---	---	5 spaces per
Club or Lodge	---	---	5	---	
Community Center	1	---	---	.30	
Dance Hall	---	---	---	.30	
Game Room	---	---	10	---	
Golf Course	1	---	---	---	[m]
Golf Driving Range tee.	---	---	---	---	1.5 spaces per
Health Club	---	---	5	---	
Marina space or berth.	---	---	---	---	1.25 spaces per boat
Meeting Hall	---	---	---	.30	
Skating Rink	---	---	5	---	
Swimming Pool	1	---	---	.30	
Tennis or Racquetball Court court.	---	---	---	---	2 spaces per
Theatre, Indoor	---	---	---	.30	
Other Outdoor Recreation Area	1	---	---	---	Plus 2 spaces per 1,000 sq. ft. of lot area.
INSTITUTIONAL					
Child Day Care Center	1	---	2	---	
Government Office	---	---	3.5	---	
House of Worship	---	---	---	.25	
Institution Office or Meeting Hall	---	1	---	---	
Library, Museum, or Gallery	---	---	2.5	---	
Nursing Home excluding bassinets.	1	---	---	---	3.0 spaces per bed,
Public Utility & Service	1	---	---	---	
MEDICAL					
Animal Hospital	---	2.5	---	---	
Clinic	---	---	6	---	
Hospital	---	---	---	---	3.0 spaces per bed, excluding bassinets.
Medical/Dental Office	---	---	4	---	
Unless otherwise provided herein, required parking is the sum of the requirements in all columns.					
MOTOR VEHICLE					
Car Wash	1	---	---	---	[g]
Motor Vehicle Sales	---	---	3.3	---	[k] [n]
Repair, Servicing, or Body Shop	---	---	---	---	[k]

Service or Filling Station	1	---	---	[k]	
OFFICE					
Up to 30,000 SF	---	3.5	---		Except retail offices, as defined herein.
30,000 SF and up defined herein.	---		3	---	Except retail offices, as defined herein.
RETAIL					
Department Store	---	4	---		
Furniture, Carpet, & Appliance Sales	---		1.5	---	
Hardware Store	---	3.5	---		
Open Sales Lot	---		---	---	[n]
Shopping Center: [i]					
Under 400,000 SF	---		4	---	
400-600,000 SF	---	4.5	---		
Over 600,000 SF	---		5.25	---	
Supermarket/Food Store	---	5	---		
Other Retail/Retail Office	---	4	---	[g]	
HOME OCCUPATIONS	1 [f]	---	---	[e]	
LOFTS	1 [f]	0.25	---	[l]	
SERVICE					
Bank or Financial Institution	---		5	---	[g]
Barber or Beauty Shop	---		4	---	
Contractor Office	1	---	---	---	
Junk/Salvage Yard	---		---	---	[h]
Laundromat washing machines.	---		---	---	1 for every 2
Mini-Warehouse lockers.	1	---	---	---	1 space per 10 storage lockers.
Mortuary	1		10	---	
Night Club	---		20	---	
Restaurant:					
Carry Out Only	---	16	---	[g]	
All Other	---		20	---	[g]
Tavern	---		20	---	
Other Service	---		4.5	---	[g]
INDUSTRIAL					
Cartage & Express Firms	1	---	---	---	
Manufacturing, Research, Testing	1		2	---	[j] [o]
Open Storage Yards % of lot area.	1		---	---	As a Principal Use. 15
Radio or TV Station or Studio	1		---	---	
Warehousing or Wholesaling	1		0.5	---	[j] [o]

Unless otherwise provided herein, required parking is the sum of the requirements in all columns.

Notes for Table 1210C

NOTE: The requirements of this table may be reduced under 1210.04(d).

See also Table 1210A for required spaces for residential and lodging uses.

Parking for uses not listed shall be as provided for the most similar listed use as determined by the Building Commissioner.

Floor area shall be net floor area, as defined herein.

All required space figures shall be prorated for each establishment.

Fractional spaces shall be rounded to the nearest integer, except that all fractions less than one shall be rounded to one.

Requirements of this table shall not apply in the C-D Downtown Commercial District.

- [a] One space for each truck or business vehicle employed by an establishment on the premises shall be provided in addition to the number of spaces specified.
- [b] Maximum number of non-resident full- and part-time employees, including owners and managers, expected to be on duty on the premises at any one time, as specified in an affidavit of the applicant.
- [c] Per seat in main auditorium or meeting room or per person of design capacity of the facility. Twenty-four inches of seating space shall be considered a seat for purposes of this requirement where individual seats are not discernable, such as in pews, benches, or bleachers. Where folding chairs or other moveable seats are used, 6 square feet of seating floor area shall be considered a seat.
- [d] Capacity in full-time students attending classes at any one time who are of legal driving age or older.
- [e] Plus sufficient parking for customers, clients, and visitors to the home occupation.
- [f] Plus 1 space per non-resident apprentice, student, or contractor regularly working or studying on the premises.
- [g] Plus stacking spaces as provided in division 1210.07(b).
- [h] 5 spaces plus 2 spaces per acre above 1 acre of lot area.
- [i] The number of parking spaces required for retail and personal service uses located in a shopping center, as defined herein, shall be as provided for shopping centers in this table rather than the sum of the spaces required for the individual uses. Except that the number of spaces shall be as provided in this table for the individual use for:
  - A. any use located in a shopping center that has a parking requirement herein that exceeds by more than 25 percent the applicable shopping center requirement herein, and
  - B. any use occupying over 50 percent of the net floor area, as defined herein, of the center.
 This number shall be added to the applicable number of spaces required by this table for shopping centers applied to all other uses in the center.
- [j] Employment standard or floor space standard, whichever is greater, shall be used. If employment is not known when plans are drawn, floor space standard may be used and a parking reserve area may be required (see 1210.04(e)). If upon occupancy the employment standard yields a greater number of required spaces, the Building Commissioner may require the provision of the additional parking required thereby.
- [k] 2 parking spaces per service bay, 1 parking space per fuel pump hose, and 2 stacking spaces per fuel pump island or end-to-end row of islands. A service bay shall not be considered a parking space.
- [l] Plus the number of spaces that would be required under Table 1210A if the residential portion of the loft were a dwelling unit.
- [m] 6 spaces per hole. For miniature golf courses, 3 spaces per hole.
- [n] 0.2 spaces per 1,000 square feet of open sales lot area.
- [o] Plus spaces required for offices, sales facilities, and other uses, if any.

Table 1210D: Minimum Space and Aisle Dimensions

	Parking Space [a]			Loading Space [b]	
	For Small Cars [c]	For Other Cars	For Handicapped Spaces [e]	For Tractor Trailers	For Other Trucks
1. Spaces (in feet)					
A. Depth	16 [f]	18 [f]	20 [g]	60	25
B. Width	7.5	8	8 [g]	14	10
C. Vertical Clearance	7	7	7 [i]	14	12
2. Access Aisle					
Width Adjacent to Space in ft. [g] [h]					
A. Van-Accessible Spaces	--	--	8	--	--
B. Other Spaces	--	--	5	--	--
3. Circulation Aisles (in feet)					
A. Vertical Clearance	7	7	7 [i]	14 [d]	12
B. Width:					
Angle of spaces:					
0 degrees [1W]:	13	13	15	12	

[j]	[2W]: 19	19	19	15	12
30 degrees	[1W]: 11	11	11	15	12
45 degrees	[1W]: 13	13	13	15	12
60 degrees	[1W]: 18	18	18	15	12
90 degrees	[2W]: 24	24	24	15	12

[1W] One-way aisle only

[2W] Two-way aisle

[a] Dimensions do not apply to tandem spaces.

[b] Requirements apply to uses required to provide 1 or more loading spaces by Table 1210B.

[c] As provided in 1210.06(f)(1).

[d] Specified clearance shall be maintained along all access drives and maneuvering areas between the loading space and the street.

[e] Permitted for uses not normally serviced by tractor-trailers.

[f] Required depth shall be increased 1 foot for parallel handicapped spaces and 3 feet for other parallel spaces.

[g] Maximum slope in all directions shall be 2 percent.

[h] Access aisle shall be level with space(s) it serves. Two adjacent handicapped spaces may share a single access aisle provided that a vehicle can back up into each space to assure that vehicles parked in both spaces can use the same aisle for access to the vehicle.

[i] Van-accessible spaces shall be provided with 8.17 feet clearance. Specified clearance shall be maintained along at least one vehicular access route from parking site entrances and exits.

[j] Zero degree parking is parallel parking.

## ANIMAL WASTE CONTROL

### *City of Reading*

#### § 618.20 ANIMAL WASTE.

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

ANIMAL. Any domestic animal, including, but not limited to, dogs and cats.

OWNER. A person who harbors, keeps, controls or possesses an animal.

PRIVATE LAND. Any and all property owned by residents or businesses in the city.

PUBLIC LAND. Any and all property owned by the city, including sidewalks, rights of way and streets.

WASTE. Fecal matter derived from animals.

(B) No owner of any animal shall permit such animal to deposit waste upon public or private land in the city, other than that of the owner.

(C) Any owner observing or learning of his or her animal depositing waste upon public or private land, other than that of the owner, shall immediately remove such waste from such land and dispose of such waste in an enclosed container.

(D) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor.

( '82 Code, § 618.20) (Ord. 86-86, passed 12-16-86) Penalty, see § 698.02

### *City of Sidney*

#### 913.05 DEPOSIT OR DISCHARGE ON PUBLIC OR PRIVATE PROPERTY, OR NATURAL OUTLET PROHIBITED.

(a) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(b) No person shall discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. A-901. Passed 5-21-71.)

## ANIMAL CONTROL

### *City of Reynoldsburg*

#### CHAPTER 505

##### Animals and Fowl

- 505.01 Definitions.
- 505.03 Animals running at large.
- 505.05 Impounding and disposition; records.
- 505.07 Annual registration of dogs; tags required.
- 505.09 Abandoned animals.
- 505.11 Killing or injuring animals.
- 505.13 Poisoning animals.
- 505.15 Cruelty to animals.
- 505.17 Nuisance conditions prohibited.
- 505.19 Barking or howling dog or other animal.
- 505.21 Health risk animals.
- 505.23 Animal bites; reports and quarantine.
- 505.25 Hunting prohibited.
- 505.27 Coloring rabbits or baby poultry; sale or display of poultry.
- 505.29 Riding animal on sidewalk prohibited.
- 505.31 Marketing wild or exotic animals.
- 505.33 Keeping wild or exotic animals.
- 505.35 Control and harboring of vicious or dangerous dogs and other animals.
- 505.37 Permit required; fee; impounding.
- 505.39 Report of escape of exotic or dangerous animal.
- 505.99 Penalty.

#### 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
- Animal Control Officer - see ADM. 149.01
- Discharging firearms prohibited - see GEN. OFF. 549.08

#### 505.01 DEFINITIONS.

As used in this chapter certain words are defined as follows, unless the context otherwise requires:

- (a) "Animal" means any live, vertebrate creature, domestic or wild.
- (b) "Domesticated" means any animal which is accepted by the general public as tameable and bred as a tamed animal for the purposes of man. These include, but are not limited to, dogs, house cats, gerbils, and guinea pigs.
- (c) "Wild Animal" means any non-domesticated animal which generally lives in its original natural state, and is not normally domesticated, and/or falls under the jurisdiction of the Ohio Department of Natural Resources.
- (d) "Farm animal" means, but is not limited to, cattle, sheep, goats, poultry or fowl, swine, horses, or mules.
- (e) "Dangerous dog or other dangerous animal" means:
  - 1. A dog or other animal, that without provocation and subject to subsection (e)(2) below, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog or other animal is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other reasonable person, or not physically restrained or confined in a locked pen which has a top or other locked enclosure which has a top.
  - 2. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger

any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(f) "Vicious dog or other vicious animal" means a dog or other animal that, subject to subsection (f)(4) hereof meets any of the following:

1. Without provocation, has killed or caused serious injury to any person;
2. Without provocation, has caused injury, other than killing or serious injury, to any person, or has killed another dog or other animal;
3. Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog or other vicious animal.

4. "Vicious dog" does not include either of the following:

A. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

B. A dog that has killed or caused serious injury to any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

(g) "Menacing fashion" means that a dog or other animal would cause any person being chased or approached to reasonably believe that the dog or other animal will cause physical injury to that person.

(h) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(i) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(j) "Own, keep or harbor" means to have legal title to or custody or control over any dangerous animal or wild animal in the city, except as otherwise provided in Section 505.33.

(k) "Owner" means any person, firm, association, or corporation owning or having a proprietary interest in or possession, custody, or charge of a work animal.

(l) "Person" means any natural person, association, partnership, organization, or corporation.

(m) "Serious physical harm" means serious physical harm as defined in Section 501.03(e) and Section 501.03(f).

(n) "Highbred" means the cross breeding of two or more species of animals that would not normally be bred together, including but not limited to, wolf-dog, coyote-dog, ocelot-house cat.

(o) "Exotic Animal" means any animal which is foreign and generally not native by birth to the local community.

(Ord. 76-96. Passed 6-10-96.)

#### 505.03 ANIMALS RUNNING AT LARGE.

(a) No person being the owner, as defined in Section 505.01(k), of an animal or animals shall permit them to run or traverse at large upon any public place, upon any unenclosed lands, or upon the premises of another without the consent of the owner of such property within the Municipality.

(b) The owner of every animal within the Municipality shall at all times keep such animal either confined upon the premises of the owner or under the reasonable control of an individual responsible for the animal.

(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 or traversing at large in violation of this section.

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

(Ord. 76-96. Passed 6-10-96.)

#### 505.05 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every animal or dog within the Municipality found in violation of Section 505.03. Any dog or animal impounded shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog or animal not redeemed within three days of the time it is seized or impounded may be sold or otherwise disposed of as provided by Ohio R.C. 955.16.

(b) Impounded Dog.

(1) If an impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs.

(2) If the dog is wearing a valid registration tag or the identity of the owner, keeper, or harbinger is otherwise established, notice shall immediately be given to such owner, keeper, or harbinger that the dog has been impounded. Notice may be by telephone or by ordinary mail to the last known address of such owner, keeper, or harbinger.

(3) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs or receipts involving such dog shall be kept.  
(Ord. 76-96. Passed 6-10-96.)

#### 505.07 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person within the Municipality shall own, keep or harbor a dog more than three months of age without annually registering the dog with the County Auditor. Any dog without a valid registration tag attached to said dog shall be subject to impoundment and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 76-96. Passed 6-10-96.)

#### 505.09 ABANDONED ANIMALS.

(a) No owner or keeper of a dog, cat, other domestic animal, or farm animal shall abandon or neglect any dog, cat, or other domestic animal within the Municipality. (ORC 959.01)

(b) Failure to provide for the feeding and care of a dog, cat, other domestic animal, or farm animal for a period of 15 or more consecutive hours shall constitute abandonment or neglect of the dog, cat, other domestic animal, or farm animal. (ORC 1717.13)

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.  
(Ord. 76-96. Passed 6-10-96.)

#### 505.11 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously or intentionally kill or injure a dog, cat, or other domestic or non-domestic animal within the Municipality. This section does not apply to a licensed veterinarian acting in the capacity of a veterinarian or to a police officer protecting the public or himself from serious injury from a dangerous animal. (ORC 959.02)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree.  
(Ord. 76-96. Passed 6-10-96.)

#### 505.13 POISONING ANIMALS.

(a) No person within the Municipality shall maliciously or intentionally administer poison or place any poisoned food where it may be easily found and eaten by any farm animal, dog, cat, or other domestic or non-domestic animal, either upon his own lands or the lands of another. This section does not apply to a licensed veterinarian, game warden, or park ranger in the performance of official duty. (ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree.  
(Ord. 76-96. Passed 6-10-96.)

#### 505.15 CRUELTY TO ANIMALS.

(a) No person within the Municipality shall:

(1) torture, withhold necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill any animal or impound or confine any animal without supplying it with a sufficient quantity of good, wholesome food and water during confinement;

(2) impound or confine an animal without providing access to shelter from wind, rain, snow or excessive sunlight if it can reasonably be expected that the animal would become sick or suffer. For the purpose of this section, "shelter" means a manmade enclosure, windbreak, and sun shade;

(3) carry or convey an animal in a cruel or inhumane manner.

(b) Whoever violates this section is guilty of a misdemeanor of the second degree.  
(Ord. 76-96. Passed 6-10-96.)

#### 505.17 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl within the Municipality so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) Any animal which destroys or damages any lawn, tree, shrub, plant, building or other property other than property of its owner or person in charge or control of such animal by scratching, digging, running loose, defecating or urinating, or otherwise injures property of others as described above is hereby declared a nuisance.

(c) Any person being the owner of or in charge or control of any animal shall immediately remove all feces deposited by such animal from another person's property, including public parks or other public property. The responsible person in charge or control of such animal shall immediately dispose of same in a sanitary manner.

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

(Ord. 76-96. Passed 6-10-96.)

#### 505.19 BARKING OR HOWLING DOG OR OTHER ANIMAL.

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

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

(Ord. 76-96. Passed 6-10-96.)

#### 505.21 HEALTH RISK ANIMALS.

(a) No person shall willfully own, keep, feed, or harbor any dangerous or wild animal within city limits which could constitute a health risk to humans or domesticated animals. These "health risk animals" include, but are not limited to, rodents, raccoons, opossum, skunks, coyotes, wolves, bats, groundhogs, or any other animal capable of passing harmful viruses, fungi, or bacteria such as, but not limited to, rabies, tuberculosis, and encephalitis. Squirrels and wild birds shall be an exception to this section.

(b) Squirrels and wild birds may be fed within city limits providing reasonable efforts are made to avoid access to the feed by other animals covered within (a) of this section.

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

(Ord. 76-96. Passed 6-10-96.)

#### 505.23 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the Health Commissioner within twenty-four hours. At the direction of the Health Commissioner, the dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten at which time a report of the condition of the animal shall be made to the Health Commissioner.

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

(b) No owner, keeper, or harborer of any dog or cat shall fail to have same animal vaccinated against rabies.

(c) No owner, keeper or harborer of a dangerous dog or other dangerous animal, as defined in 505.01(e) shall fail to report any incident of dog or animal bite within one hour to the City animal control officer or the City Police Department or the County Board of Health.

(d) Whoever violates subsections (a) or (b) is guilty of a minor misdemeanor. Whoever violates subsection (c) is guilty of a misdemeanor of the fourth degree.

(Ord. 76-96. Passed 6-10-96.)

#### 505.25 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

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

(Ord. 76-96. Passed 6-10-96.)

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

(a) No person within the Municipality shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person within the Municipality shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby 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.

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

(Ord. 76-96. Passed 6-10-96.)

505.29 RIDING ANIMAL ON SIDEWALK PROHIBITED.

(a) No person shall ride any horse, colt, pony or other animal upon any sidewalk within the Municipality.

(b) No parent or guardian or person having the care, custody or control of a minor child shall knowingly allow the child to ride a horse, colt, pony or other animal upon any sidewalk within in the Municipality.

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

(Ord. 76-96. Passed 6-10-96.)

505.31 MARKETING WILD OR EXOTIC ANIMALS.

(a) No person shall market in any form wholesale or retail, wild or exotic animals within the municipality. Exceptions to the above include pure domestic cats, pure domestic dogs (not highbred), domestic rabbits, guinea pigs, chinchilla, mice, hamsters, gerbils, parrot-like birds, non-poisonous fish, non-poisonous reptiles and non-poisonous snakes under five feet in length.

(b) Whoever violates this section is guilty of a misdemeanor of the second degree. Each day such section is violated shall constitute a separate offense.

(Ord. 76-96. Passed 6-10-96.)

505.33 KEEPING WILD OR EXOTIC ANIMALS.

(a) No person shall own or harbor any wild or exotic animal or animal that is endangered within the municipality.

(b) Exceptions to subsection (a) herein are veterinarians for the purpose of medical treatment and educational facilities.

(c) Permission to temporarily keep and care for a native Ohio wild or exotic animal that is under the care of a licensed veterinarian shall be obtained from the Ohio Department of Natural Resources.

(d) Animals which may be owned or harbored within the municipality are: pure domestic cats, pure domestic dogs (not highbred), domestic rabbits, guinea pigs, chinchillas, mice, hamsters, gerbils, parrot-like birds, non-poisonous fish, non-poisonous reptiles, and non-poisonous snakes under five feet in length, and horses owned prior to the effective date of this ordinance.

(e) Whoever violates this section is guilty of a misdemeanor of the second degree. Each day such violation occurs or continues shall constitute a separate offense.

(Ord. 76-96. Passed 6-10-96.)

505.35 CONTROL AND HARBORING OF VICIOUS OR DANGEROUS DOGS AND OTHER ANIMALS.

(a) No person shall:

(1) own, keep, or harbor any vicious dog or other vicious animal, as defined in 505.01(f) within the municipality.

(2) Whoever violates this section is guilty of a misdemeanor of the second degree, and on each subsequent offense is guilty of a misdemeanor of the first degree and the vicious dog or other vicious animal shall be seized, impounded, and humanely destroyed.

(Ord. 76-96. Passed 6-10-96.)

505.37 PERMIT REQUIRED; FEE; IMPOUNDING.

(a) In addition to registration of a dog as required by Section 505.07 and Ohio R.C. Sections 955.03 and 955.09, the owner, keeper or harbinger of a dangerous dog or other dangerous animal as defined in 505.01(e) hereof shall pay a permit fee to own, keep or harbor a dangerous dog to the City of Reynoldsburg and obtain the permit from the Chief of Police at a cost of thirty dollars (\$30.00) for such

permit in addition to the payment of any fee for registration of the dog as required by the Ohio Revised Code and these Codified Ordinances.

(1) The owner, keeper, or harbinger of such dangerous dog or dangerous animal shall pay for the permit at the Reynoldsburg City Auditor's Office and receive a receipt. The receipt shall be presented to the Chief of Police in order to obtain a permit.

(b) (1) The permit to own, keep or harbor a dangerous dog or dangerous animal shall be valid only during the calendar year in which the permit is issued, and during the first twenty days of the following calendar year.

(2) The permit fee for any dangerous dog or other dangerous animal is thirty dollars (\$30.00) if purchased prior to July 1st of any calendar year. If the permit is purchased on or after July 1st of any calendar year, the permit fee is fifteen dollars (\$15.00).

(c) No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in section 505.01(e) hereof, shall fail to publicly display a sign on the premises where the dangerous dog or other dangerous animal is kept or harbored that notifies the public of the presence of a dangerous dog or other dangerous animal on the property of the owner, keeper or harbinger of the sale. The owner, keeper or harbinger of the dog shall provide such sign which shall contain in lettering that is at least two inches in height, the statement "CAUTION, BEWARE OF DANGEROUS DOG OR OTHER DANGEROUS ANIMAL," or other statement that provides reasonable notice of the presence of a dangerous dog or other dangerous animal on the premises.

(d) No person shall own, keep, or harbor any dangerous dog or other dangerous animal as defined in section 505.01(e) without registering and obtaining a permit as required in subsections (a) and (b) of this section for such dangerous dog or other dangerous animal.

(e) Whoever violates subsection (c) or (d) of this section is guilty of a misdemeanor of the third degree and the animal control officer shall seize and impound the dangerous dog or other dangerous animal in the municipality that is not properly confined or restrained, pursuant to Ohio R.C. 955.22(A) to (D), until such time as the owner, keeper or harbinger of the dangerous dog or other dangerous animal demonstrates compliance with Ohio R.C. 955.22(A) to (D). If the owner does not comply with the provisions of Ohio R.C. 955.22(A) to (D) within three (3) days of such seizure, then the dangerous dog or other dangerous animal shall be humanely destroyed.

(f) No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in subsection 505.01(e) hereof, shall refuse to permit the routine inspection of such dangerous dog or other dangerous animal on the premises of the same by the animal control officer, police officer, or other person authorized by the Mayor or Police Chief, County Board of Health or an employee or agent thereof, to insure compliance with the subsections contained herein or any provision of the Ohio Revised Code, nor conceal such dangerous dog or other dangerous animal from the Animal Control Officer, police officer or other person authorized by the Mayor or Police Chief, or County Board of Health, or an employee or agent thereof, attempting to accomplish such inspection.

(g) No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in subsection 505.01(e) hereof shall fail to report to the City Animal Control Officer or a police officer the theft or loss of a dangerous dog or other dangerous animal within five hours of the discovery of the theft or loss.

(h) Whoever violates subsections (f) or (g) is guilty of a misdemeanor of the fourth degree. (Ord. 76-96. Passed 6-10-96.)

#### 505.39 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this state or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to a law enforcement officer of the Municipality and the sheriff of the county where the escape occurred.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 2927.21)

(Ord. 76-96. Passed 6-10-96.)

#### 505.99 PENALTY.

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

(Ord. 76-96. Passed 6-10-96.)

