

**Legislative Services**

5555 Perimeter Drive • Dublin, OH 43017-1090
Phone: 614-410-4400

Memo

To: Members of City Council
From: Jennifer Readler, Law Director
Jennifer Delgado, Clerk of Council
Date: September 6, 2022
Re: Ordinance 37-22 – Dublin Codified Ordinances Update

Summary

The attached ordinance adopts a supplement (S-52) to the Dublin Code of Ordinances. This supplement includes local legislation approved by City Council through June 30, 2022, and State legislation current through April 6, 2022.

Recommendation

Staff recommends Council approve Ordinance 37-22 at the second reading/public hearing on September 26, 2022. Per the Charter, a recodification is effective upon passage.

RECORD OF ORDINANCES

Ordinance No. 37-22 Passed , 20

AN ORDINANCE ADOPTING AND ENACTING A
SUPPLEMENT (S-52) TO THE CODE OF ORDINANCES
FOR THE CITY OF DUBLIN, OHIO

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the current supplement (S-52) to the Code of Ordinances of the City of Dublin, which contains all ordinances of a general and permanent nature enacted by the City of Dublin through June 30, 2022; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances, which are based on or make reference to sections of the Ohio Revised Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Ohio through April 6, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, of the elected members concurring, that:

Section 1. The current supplement (S-52) to the Dublin Code of Ordinances as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as on file with the Clerk of Council, be and the same hereby is adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority, and the Clerk of Council is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Council.

Section 3. This Ordinance is effective upon passage, in accordance with Section 4.04(a)(5) of the Revised Charter.

Passed this day of , 2022.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

CITY OF DUBLIN, OHIO

CODE OF ORDINANCES

VOLUME I

2022 S-5152 Supplement contains:
Local legislation current through 6-30-2212-31-21, and
State legislation current through 4-6-2211-4-21

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

CITY OF DUBLIN, OHIO

CODE OF ORDINANCES

VOLUME II

2022 S-5152 Supplement contains:
Local legislation current through 12-31-216-30-22, and
State legislation current through 11-4-214-6-22

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

CITY OF DUBLIN, OHIO

CODE OF ORDINANCES

2022 S-5152 Supplement contains:
Local legislation current through ~~12-31-21~~6-30-22, and
State legislation current through ~~11-4-21~~4-6-22

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

Ordinance No. 09-22

**AN ORDINANCE ADOPTING AND ENACTING A
SUPPLEMENT (S-51) TO THE CODE OF ORDINANCES
FOR THE CITY OF DUBLIN, OHIO**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the current supplement (S-51) to the Code of Ordinances of the City of Dublin, which contains all ordinances of a general and permanent nature enacted by the City of Dublin through December 31, 2021; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances, which are based on or make reference to sections of the Ohio Revised Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Ohio through November 4, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 7 of the elected members concurring, that:

SECTION 1. The current supplement (S-51) to the Dublin Code of Ordinances as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as on file with the Clerk of Council, be and the same hereby is adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority, and the Clerk of Council is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Council.

SECTION 3. This Ordinance is effective upon passage, in accordance with Section 4.04(a)(5) of the Revised Charter.

Passed this 21st day of March, 2022.

/s/
Mayor - Presiding Officer

ATTEST:

/s/
Clerk of Council

CHAPTER 30: CITY COUNCIL

Section

- 30.01 Meetings
- 30.02 Wards established
- 30.03 Council Rules of Order

Cross-reference:

For Charter provisions concerning the Council, see Charter Article III

§ 30.01 MEETINGS.

The regularly scheduled meetings of Council shall begin at 7:00 p.m. on the second and fourth Mondays of the month or on such dates as are otherwise approved on the yearly meeting calendar or by a majority vote of City Council.

('80 Code, § 121.01) (Res. 54-76, passed 11-15-76; Am. Res. 09-96, passed 6-9-97; Am. Res. 47-09, passed 1-5-09)

§ 30.02 WARDS ESTABLISHED.

The corporate limits of the municipality are hereby divided into wards as bounded and described as ~~Scenario 1~~ in Exhibit A of Ordinance ~~84-21~~ 16-22 with the respective population indicated, pursuant to Article 9.04 of the Revised Charter.

('80 Code, § 107.01) (Ord. 43-91, passed 6-17-91; Am. Ord. 65-01, passed 5-21-01; Am. Ord. 29-11, passed 6-13-11; Am. Ord. 84-21, passed 12-6-21; Am. Ord. 16-22, passed 5-9-22)

§ 30.03 COUNCIL RULES OF ORDER.

The Council Rules of Order, attached to Resolution 65-21, passed November 8, 2021, as Exhibit A, are hereby adopted and incorporated by reference as if fully set forth herein.

(Res. 09-96, passed 6-9-97; Am. Res. 87-08, passed 1-20-09; Am. Res. 47-09, passed 10-5-09; Am. Res. 44-11, passed 9-12-11; Am. Res. 66-14, passed 8-25-14; Am. Res. 65-21, passed 11-8-21)

include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the department of liquor control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any orders until the solicitor has been registered with the department pursuant to R.C. § 4303.25.

SALES AREA OR TERRITORY. An exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. ***SALES AREA OR TERRITORY*** does not include, however, any particular retail location in an exclusive geographic area or territory that has been assigned to another A or B permit holder before April 9, 2001.

SEALED CONTAINER. Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.

SPIRITUOUS LIQUOR. All intoxicating liquors containing more than 21 % of alcohol by volume. The phrase does not include the contents of a pod.

VEHICLE. All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

WHOLESALE DISTRIBUTOR and DISTRIBUTOR. A person engaged in the business of selling to retail dealers for purposes of resale.

WINE. All liquids fit to use for beverage purposes containing not less than 0.5 % of alcohol by volume and not more than 21 % of alcohol by volume, that is made from the fermented juices of grapes, fruits, or other agricultural products. The term includes cider, except as used in R.C. §§ 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44, and, for purposes of determining the rate of the tax that applies, R.C. § 4301.43(B), the term does not include cider. ~~All liquids fit to use for beverage purposes containing not less than one-half of 1 % of alcohol by volume and not more than 21 % of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products.~~ (R.C. §§ 4301.01, 4301.244) ('80 Code, § 529.01)

§ 111.02 PERMIT REQUIRED.

(A) No person by himself or by his clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol in or into this municipality for delivery, use or sale, unless such person has fully complied with R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Department of Liquor Control and in force at the time.

(B) No manufacturer, supplier, wholesale distributor, broker, or retailer of beer or intoxicating liquor, or other person shall employ, retain, or otherwise utilize any person in this state to act as an employee, agent, solicitor, or salesperson, or act in any other representative capacity to sell, solicit, take orders, or receive offers to purchase or expressions of interest to purchase beer or intoxicating liquor from any person, at any location other than a liquor permit premises, except as specifically authorized

§ 111.07 SALES TO INTOXICATED PERSONS; RESTRICTIONS ON SALES.

Sales of beer and intoxicating liquor under all classes of permits and from state liquor stores are subject to the following restrictions, in addition to those imposed by the rules or orders of the state department of liquor control.

(A) (1) Except as otherwise provided in this chapter or in R.C. Chapter 4301, no beer or intoxicating liquor shall be sold to any person under 21 years of age.

(2) No low-alcohol beverage shall be sold to any person under 18 years of age. No permit issued by the division shall be suspended, revoked, or canceled because of a violation of this subsection.

(3) (a) Except as provided in division (A)(3)(b) of this section, all of the following apply to the handling, serving, and selling of beer and intoxicating liquor by a person employed by a permit holder:

1. No person under 19 years of age shall sell beer across a bar.
2. No person under 21 years of age shall sell wine, mixed beverages, or spirituous liquor across a bar.
3. No person under 18 years of age shall otherwise handle, serve, or sell beer or intoxicating liquor.

(b) Any person employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading, or unloading, and may handle beer or intoxicating liquor in open containers in connection with cleaning tables or handling empty bottles or glasses. ~~No intoxicating liquor shall be handled by any person under 21 years of age, except that a person 18 years of age or older employed by a permit holder may handle or sell beer or intoxicating liquor in sealed containers in connection with wholesale or retail sales, and any person 19 years of age or older employed by a permit holder may handle intoxicating liquor in open containers when acting in the capacity of a server in a hotel, restaurant, club, or night club, as defined in § 111.01, or in the premises of a D-7 permit holder. This section does not authorize persons under 21 years of age to sell intoxicating liquor across a bar. Any person employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading, or unloading, and may handle beer or intoxicating liquor in open containers in connection with cleaning tables or handling empty bottles or glasses.~~

(B) No sales shall be made to an intoxicated person.

(C) (1) No sales of intoxicating liquor shall be made after 2:30 a.m. on Sunday, except under either of the following circumstances:

(a) Intoxicating liquor may be sold on Sunday under authority of a permit that authorizes Sunday sale.

to a paying customer not more than a total of four tasting samples of beer, wine, or spirituous liquor, as authorized by the applicable permit, in any twenty-four-hour period. The permit holder shall provide the tasting samples free of charge, at the permit holder's expense, only to a person who is 21 years of age or older. The person shall consume the tasting samples on the premises of the permit holder. A distributor is not responsible for the costs of providing tasting samples authorized under division (D) of this section.

(2) As used in division (D) of this section:

TASTING SAMPLE. Means one of the following, as applicable:

1. An amount not to exceed two ounces of beer;
2. An amount not to exceed two ounces of wine;
3. An amount not to exceed a quarter ounce of spirituous liquor.

D PERMIT HOLDER. Means a person that has been issued a D-1, D-2, D-2x, D-3, D-3a, D-3 x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, or D-7 permit.

(E) Except as otherwise provided in this division, no retail permit holder shall display or permit the display on the outside of any licensed retail premises, or on any lot of ground on which the licensed premises are situated, or on the exterior of any building of which the licensed premises are a part, any sign, illustration, or advertisement bearing the name, brand name, trade name, trademark, designation, or other emblem of, or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of, any beer or intoxicating liquor. Signs, illustrations, or advertisements bearing the name, brand name, trade name, trademark, designation, or other emblem of or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of beer or intoxicating liquor may be displayed and permitted to be displayed on the interior or in the show windows of any licensed premises, if the particular brand or type of product so advertised is actually available for sale on the premises at the time of that display. The liquor control commission shall determine by rule the size and character of those signs, illustrations, or advertisements.

(F) No retail permit holder shall possess on the licensed premises any barrel or other container from which beer is drawn, unless there is attached to the spigot or other dispensing apparatus the name of the manufacturer of the product contained in the barrel or other container, provided that, if the beer is served at a bar, the manufacturer's name or brand shall appear in full view of the purchaser. The commission shall regulate the size and character of the devices provided for in this section.

(G) The sale of gift certificates for the purchase of beer, wine, or mixed beverages shall be permitted for the purchase of beer, wine, or mixed beverages for on- or off-premises consumption. Limitations on the use of a gift certificate for the purchase of beer, wine, or mixed beverages for on- or off-premises consumption may be expressed by clearly stamping or typing on the face of the certificate that the certificate may not be used for the purchase of beer, wine, or mixed beverages for on-premises consumption. ~~Except as otherwise provided in this division, no sale of any gift certificate shall be permitted whereby beer or intoxicating liquor of any kind is to be exchanged for the certificate, unless~~

~~the gift certificate can be exchanged only for food, and beer or intoxicating liquor, for on-premises~~
~~c o n s u m p t i o n~~

2018 S-43

~~and the value of the beer or intoxicating liquor for which the certificate can be exchanged does not exceed more than 30% of the total value of the gift certificate. The sale of gift certificates for the purchase of beer, wine, or mixed beverages shall be permitted for the purchase of beer, wine, or mixed beverages for off-premises consumption. Limitations on the use of a gift certificate for the purchase of beer, wine, or mixed beverages for off-premises consumption may be expressed by clearly stamping or typing on the face of the certificate that the certificate may not be used for the purchase of beer, wine, or mixed beverages. (R.C. § 4301.22)~~

('80 Code, § 529.03(a), (b)) Penalty, see § 111.99

§ 111.08 LIQUOR CONSUMPTION IN MOTOR VEHICLE.

No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in § 111.09. (R.C. § 4301.64)

('80 Code, § 529.04(a)) Penalty, see § 111.99

§ 111.09 OPEN CONTAINER PROHIBITED.

(A) As used in this section:

CHAUFFEURED LIMOUSINE means a vehicle registered under R.C. § 4503.24.

STREET, HIGHWAY, and **MOTOR VEHICLE** have the same meanings as in R.C. § 4511.01.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C)(1)(e) of this section, in a state liquor store;

(2) Except as provided in division (C) or (J) of this section, on the premises of the holder of any permit issued by the Division of Liquor Control; ~~Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the Division of Liquor Control;~~

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(2) The consumption is authorized under R.C. § 4303.181(D)(2)(a).

(J) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with R.C. § 4301.201(E).

(R.C. § 4301.62)

(K) Whoever violates this section is guilty of a minor misdemeanor. (R.C. § 4301.99(A)) ('80 Code, § 529.07(a) - (c))

§ 111.10 ALCOHOL VAPORIZING DEVICES PROHIBITED.

(A) As used in this section, *ALCOHOL VAPORIZING DEVICE* means a machine or other device that mixes beer or intoxicating liquor with pure oxygen or any other gas to produce a vaporized product for the purpose of consumption by inhalation.

(B) No person shall sell or offer for sale an alcohol vaporizing device.

(C) No person shall purchase or use an alcohol vaporizing device.
(R.C. § 4301.65)

(D) (1) Whoever violates division (B) of this section is guilty of misdemeanor of the third degree. For a second or subsequent violation occurring within a period of five consecutive years after the first violation, a person is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(J))

(2) Whoever violates division (C) of this section is guilty of a minor misdemeanor.
(R.C. § 4301.99(A))

§ 111.99 PENALTY.

(A) Whoever violates §§ 111.02, 111.04, or 111.09 is guilty of a minor misdemeanor.
(R.C. § 4301.99(A)) ('80 Code, §§ 529.05(b), 529.08(b), 529.07(d))

(B) (1) Whoever violates § 111.05 (A) is guilty of a misdemeanor, shall be fined not less than \$500 and not more than \$1000, and, in addition to the fine, may be imprisoned for a definite term of not more than six months. (R.C. § 4301.99(I))

(2) Whoever violates § 111.05 (B) through (E) is guilty of a misdemeanor of the first degree. If an offender who violates § 111.05(E)(1) of this section was under the age of 18 years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit or probationary driver's license for a period of six months. If the offender is 15 years and 6 months of age or older and has not been issued a temporary instruction

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

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(‘80 Code, § 549.11) Penalty, see § 130.99

§ 137.10 CONCEALED HANDGUN LICENSES: POSSESSION OF A REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING OF SIGNS PROHIBITING POSSESSION.

(A) *Possession of a revoked or suspended concealed handgun license.*

(1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.

(2) Whoever violates this division (A) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.
(R.C. § 2923.1211(B), (C))

(B) *Additional restrictions.* Pursuant to R.C. § 2923.126:

(1) A concealed handgun license that is issued under R.C. § 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of 30 days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B)(2) and (B)(3) of this section, a licensee who has been issued a concealed handgun license under R.C. § 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after that change.

~~(1) (a) A concealed handgun license that is issued under R.C. § 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of 30 days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B)(2) and (B)(3) of this section, a licensee who has been issued a concealed handgun license under R.C. § 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the licensee also carries a valid license when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after that change.~~

~~(b) If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, the licensee shall promptly inform any law enforcement officer who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins~~

~~approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of R.C. § 2923.16(E), after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves. Additionally, if a licensee is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in R.C.~~

~~2021 S-50~~

~~§ 5503.34 and if the licensee is transporting or has a loaded handgun in the commercial motor vehicle at that time, the licensee shall promptly inform the employee of the unit who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun.~~

~~————— (c) If a licensee is stopped for a law enforcement purpose and if the licensee is carrying a concealed handgun at the time the officer approaches, the licensee shall promptly inform any law enforcement officer who approaches the licensee while stopped that the licensee has been issued a concealed handgun license and that the licensee currently is carrying a concealed handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the licensee is stopped or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of R.C. § 2923.12(B), after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.~~

(2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under R.C. § 2923.12(B) or in any manner prohibited under R.C. § 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(a) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to R.C. § 5119.14(A) or R.C. § 5123.03(A)(1);

(b) A school safety zone if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.122;

(c) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.123;

(d) Any premises or open air arena for which a D permit has been issued under R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.121;

(e) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

(4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to R.C. § 109.69 or a person who holds a valid concealed handgun license under the circumstances described in R.C. § 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question. ~~A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to R.C. § 109.69 or a person who holds a valid concealed handgun license under the circumstances described in R.C. § 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section.~~

(5) (a) A peace officer has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125, provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

(b) An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions as specified in this division (B).

(c) A tactical medical professional who is qualified to carry firearms while on duty under R.C. § 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(6) (a) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section shall be considered to be a licensee in this state. ~~A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section shall be considered to be a licensee in this state.~~

(b) 1. Each public agency of this state or of a political subdivision of this state that is

CHAPTER 138: DRUG OFFENSES

Section

- 138.01 Definitions
- 138.02 Trafficking in controlled substances; gift of marihuana
- 138.03 Drug possession offenses
- 138.04 Possessing drug abuse instruments
- 138.05 Permitting drug abuse
- 138.06 Possessing or using harmful intoxicants
- 138.07 Illegally dispensing drug samples
- 138.08 Controlled substance or prescription labels
- 138.09 Hypodermic possession, display and dispensing
- 138.10 Nitrous oxide: improper dispensing or distribution; possession in a motor vehicle
- 138.11 Drug paraphernalia
- 138.12 Counterfeit controlled substances
- 138.13 Pseudoephedrine sales
- 138.14 Sale of pure caffeine product
- 138.15 Sale of dextromethorphan

§ 138.01 DEFINITIONS.

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

ADMINISTER. Has the same meaning as in R.C. § 3719.01.

ADULTERATE. To cause a drug to be adulterated as described in R.C. § 3715.63.

ALCOHOL AND DRUG ADDICTION SERVICES. Has the same meaning as in R.C. § 5119.01.

BULK AMOUNT. Of a controlled substance means any of the following:

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

(a) An amount equal to or exceeding ten grams or 25 unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I opiate or opium derivative;

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

CERTIFIED GRIEVANCE COMMITTEE. A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.

COCAINE. Any of the following:

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

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

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

COMMITTED IN THE VICINITY OF A JUVENILE. An offense is “committed in the vicinity of a juvenile” if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

COMMITTED IN THE VICINITY OF A SCHOOL. An offense is “committed in the vicinity of a school” if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.

COMMITTED IN THE VICINITY OF A SUBSTANCE ADDICTION SERVICES PROVIDER OR A RECOVERING ADDICT. An offense is “committed in the vicinity of a substance addiction services provider or a recovering addict” if either of the following apply:

(1) The offender commits the offense on the premises of a substance addiction services provider’s facility, including a facility licensed prior to June 29, 2019, under R.C. § 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under R.C. § 5119.37, or within 500 feet of the premises of a substance addiction services provider’s facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider’s facility.

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

CONTROLLED SUBSTANCE. Has the same meaning as in R.C. § 3719.01.

CONTROLLED SUBSTANCE ANALOG. Has the same meaning as in R.C. § 3719.01.

COUNTERFEIT CONTROLLED SUBSTANCE. Any of the following:

MINOR DRUG POSSESSION OFFENSE. Either of the following:

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

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

OFFICIAL WRITTEN ORDER. Has the same meaning as in R.C. § 3719.01.

PERSON. Has the same meaning as in R.C. § 3719.01.

PHARMACIST. Has the same meaning as in R.C. § 3719.01.

PHARMACY. Has the same meaning as in R.C. § 3719.01.

POSSESS or **POSSESSION.** Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

PREMISES OF A SUBSTANCE ADDICTION SERVICES PROVIDER'S FACILITY. Means the parcel of real property on which any substance addiction service provider's facility is situated.

PRESCRIPTION. Has the same meaning as in R.C. § 4729.01.

PRESUMPTION FOR A PRISON TERM or **PRESUMPTION THAT A PRISON TERM SHALL BE IMPOSED.** A presumption as described in R.C. § 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under R.C. § 2929.11.

PROFESSIONAL LICENSE. Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in R.C. § 2925.01(W)(1) through (W)(37) and that qualifies a person as a professionally licensed person.

PROFESSIONALLY LICENSED PERSON. Any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under R.C. Chapter 4703;

(3) A person who is registered as a landscape architect under R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;

STANDARD PHARMACEUTICAL REFERENCE MANUAL. The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

SUBSTANCE ADDICTION SERVICES PROVIDER. Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under R.C. § 5119.36;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

UNIT DOSE. An amount or unit or a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

WHOLESALE. Has the same meaning as in R.C. § 3719.01.
(R.C. § 2925.01) ('80 Code, § 513.01)

§ 138.02 TRAFFICKING IN CONTROLLED SUBSTANCES; GIFT OF MARIHUANA.

(A) No person shall knowingly do any of the following:

(1) Sell or offer to sell a controlled substance or a controlled substance analog;

(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.

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

(1) Manufacturers, practitioners, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, and 4741.

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration.

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the Federal Food, Drug and Cosmetic Act, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that Act.

(H) *Model Home Period Sign.*

(1) *General.* A sign permit must be obtained in accordance with § 153.151. See § 153.073 for additional regulation pertaining to model homes. Shall be permitted in lieu of an exempt residential sale or leasing period sign as described in §153.158(I).

(2) *Location.* Shall be located only on the lot or parcel where homes are being constructed.

(3) *Size, Height.* Such signs shall be limited to eight square feet in area and six feet in height.

(4) *Illumination.* May not be internally illuminated.

(5) *Duration.* Shall be permitted during any period when an approved residential development is under construction, until such time as the subdivision or development is complete or the model home is discontinued.

(I) *Non-residential Sale or Leasing Period Signs.*

(1) *General.* A sign permit must be obtained in accordance with § 153.151, and information verifying the availability of space for lease or sale shall be required with the permit submission.

(2) *Number.* One such sign is permitted per parcel, either ground, wall, or window. **One additional ground sign shall be permitted for a parcel with freeway frontage.**

(3) *Size, Height.*

(a) *Ground-mounted signs.*

1. **Non-freeway frontage. Signs** ~~Ground-mounted signs~~ are limited to ~~16~~**15** square feet in area and four feet in height.

2. **Freeway frontage. Signs are limited to 24 square feet in area and eight feet in height.**

(b) *Wall signs.* Wall signs shall be limited to 16 square feet in area with a maximum height of 15 feet to the top of the sign.

(c) *Window signs.* Window signs shall not to exceed 10% of the total window area of the establishment or six square feet, whichever is less.

(4) *Placement.* Signs must be located so that they do not interfere with the safe movement of vehicular and pedestrian traffic.

(5) *Duration.* Such signs shall be permitted for **one year and renewed on an annual basis** ~~30 days continuously and no more than 90 total days in a calendar year, and must be removed within 14 days after the sale, rental, or lease has occurred.~~

(6) *Materials/Design.* Such signs shall be professionally design and constructed **of a uniform**

sign design, as established by City Council. Ground and wall signs shall be constructed of MDO, Medium Density Overlay. Ground signs shall be post mounted. Plywood and cardboard are not permitted materials.

(J) *Residential Sale or Leasing Period Sign.*

(2) *Number.* A special event organizer may erect a maximum of eight temporary off-premise signs, provided that a sign permit is obtained from the Planning Director or designee before installation. The location and number of signs permitted, up to the maximum permitted in § 153.158(L) will be determined on a case-by-case basis, based on considerations of traffic safety and size of attendance.

(3) *Placement.* The city will provide and install standardized sandwich boards for all off-premise signs. The event organizer is responsible for supplying paper or plastic signs, which will be affixed to the boards.

(4) *Size.* A maximum of two signs may be up to six square feet in area and three feet in height. A maximum of six signs may be up to two square feet in area and one foot in height.

(5) *Duration.* A maximum of two signs may be installed no earlier than seven days immediately preceding the event but must be removed no later than 24 hours following conclusion of the event. A maximum of six signs may be installed no earlier than 24 hours immediately preceding the event but must be removed within 24 hours following conclusion of the event.

(6) *Illumination.* May not be illuminated.

(N) *Other Temporary Signs.*

(1) *General.* All other temporary signs do not require a sign permit and are subject to the restrictions listed in § 153.153 and § 153.154. Permission to post such signs must be obtained from the owner(s) of the property on which the signs are placed.

(2) *Number.* Up to four temporary signs may be erected on a lot or parcel.

(3) *Size.* No temporary sign may exceed six square feet in size unless specifically permitted elsewhere in this section.

(4) *Height.* No temporary sign may exceed three feet in height unless specifically permitted elsewhere in this section.

(5) *Illumination.* Are not to be illuminated in any manner.

(6) *Placement.* Are not to be affixed to any utility pole, tree, or natural object, are not located within a right-of-way, and do not create a safety or visibility hazard.

(7) *Duration.* All of the permitted signs are limited to a period of four months. ('80 Code, § 1189.11) (Ord. 66-94, passed 3-20-95; Am. Ord. 103-95, passed 12-18-95; Am. Ord. 12-21, passed 4-12-21; Am. Ord. 10-22, passed 4-11-22) Penalty, see § 153.999

(G) *Building permit.* A building permit may be obtained only for the development in accordance with the approved plot plan.

('80 Code, § 1131.03) (Ord. 101-90, passed 11-19-90; Am. Ord. 88-98, passed 11-2-98; Am. Ord. 117-03, passed 1-20-04)

§ 153.237 ADMINISTRATIVE REVIEW TEAM.

The Administrative Review Team shall be created and carry out the responsibilities as provided in § 153.066 within the Bridge Street Corridor districts and § 153.042 within the Innovation Districts.

(Ord. 19-12, passed 4-23-12)

§ 153.238 (RESERVED)

§ 153.239 FEES FOR CONDITIONAL USES, VARIANCES, AND SPECIAL PERMITS.

(A) *Fees for conditional uses and variances.* All fees shall be consistent with the fee schedule as amended by Am. Ord. 122-94.

(B) *Fees for variances and special permits.* A fee as set forth from time to time by ordinance shall be paid to the municipality for each application for a variance or special permit to cover the necessary administrative and advertising costs.

('80 Code, §§ 1129.06, 1129.08) (Ord. 21-70, passed 7-13-70; Am. Ord. 101-90, passed 11-19-90; Am. Ord. 88-98, passed 11-2-98)

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.

§ 153.999 PENALTY.

(A) In the event any violation of this chapter is committed, for which no specific penalty is otherwise provided, the owner or owners of the building or premises upon which the violation has been committed, any architect, builder or contractor who assists in the commission of such violation and any person, firm or corporation who violates or assists in the violation of any of the provisions of this chapter or who fails to comply herewith or with any requirement hereof, who builds in violation of any statement, plan, submitted and approved hereunder, or whoever constructs, reconstructs, alters, ~~or modifies or demolishes~~ any exterior architectural feature, site, ~~or~~ sign now or hereafter in the Historic District, in violation of this chapter shall, for each and every violation for noncompliance, be guilty of a minor misdemeanor, ~~subject to a fine of \$100.~~ Each day during which a violation or noncompliance occurs shall constitute a separate offense. ('80 Code, §§ 1123.99, 1183.04(e), 1191.99) (Ord. 45-89, passed 6-19-89; Ord. 25-93, passed 9-13-93)

(B) Non-permitted demolition of sites, structures, or objects subject to Architectural Review Board. In cases where a violation has occurred that resulted in the non-permitted demolition, partial demolition, or irreparable alteration of historic sites, structures, or objects for which a Board Order of the Architectural Review Board is required, the convicted person shall be guilty of a fourth-degree misdemeanor and subject to a mandatory minimum fine of \$250, which shall not be suspended, for each offense.

(C) Anyone who operates a helicopter, or allows operation of a helicopter in violation of the provisions of § 153.094 shall, upon conviction, pay a fine of not more than \$500 for each violation.

(D) Violation of §§ 153.140 - 153.147 shall constitute a fourth degree misdemeanor punishable per day per occurrence. Nothing herein shall prevent the City from taking such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations. A separate and distinct violation shall be deemed to have occurred for each protected tree unlawfully removed and/or not replaced in violation of any of the sections aforesaid.

('80 Code, § 1184.05(f)) (Ord. 101-90, passed 11-19-90; Am. Ord. 95-96, passed 10-5-98; Am. Ord. 23-22, passed 6-13-22)

[Appendix A begins on Page 323]

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
91-21	1-10-22	Acquiring certain property located at 7250 Riverside Drive, identified as Franklin County Parcel Number 273-008411-00 from Hamdy A. Helal and Azza A. Elmorsy.
92-21	1-10-22	Acquiring certain property located at 7410 Riverside Drive, identified as Franklin County Parcel Number 273-008663-00 from Billy Gene Laney.
11-22	4-11-22	Acquiring certain property located on Riverside Drive, identified as Franklin County Parcel Number 273-008396-00 from Thomas A. McDowell.
18-22	5-9-22	Authorizing the City Manager to enter into a real estate purchase agreement for certain property owned by Orr Family LP.
25-22	6-27-22	Acquiring certain property located on Shawan Falls Drive, identified as Franklin County Parcel Number 273-000797-00 from OhioHealth Corporation.
26-22	6-27-22	Acquiring certain property located on Shawan Falls Drive, identified as Franklin County Parcel Numbers 273-000785-00 and 273-000786-00 from 220 W. Bridge St., LLC.
27-22	6-27-22	Acquiring certain property located on Shawan Falls Drive, identified as Franklin County Parcel Number 273-002485-00 from Biscar Properties, LLC.

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
Res. 01-22	1-24-22	Authorizing the City Manager to enter into an agreement with Rev1 Ventures.
Res. 02-22	2-14-22	Authorizing the City Manager to enter into contracts with Precise Pile Driving, Inc.
Res. 04-22	2-14-22	Authorizing the City Manager to enter into an agreement with ODOT.
Res. 07-22	2-28-22	Authorizing the City Manager to enter into contracts with Elite Excavating Co. of Ohio, Inc.
15-22	4-25-22	Authorizing the City Manager to enter into an infrastructure agreement with Mount Carmel Health System.
24-22	6-27-22	Authorizing the City Manager to enter into an infrastructure agreement with EG Retail (America) LLC.

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
87-21	12-6-21	Rezoning 27 parcels from Community Commercial District (CC), Suburban Office and Institutional District (SO), and Planned Unit Development District (PUD) to Mixed Use Regional 4 District (MUR-4) (Case 21-087Z).
02-22	3-21-22	Rezoning the Shoppes at River Ridge including two parcels from BSD-C, Bridge Street District - Commercial District, to BSD-SRN, Bridge Street District - Scioto River Neighborhood District; and zoning one parcel, formerly right-of-way, BSD-SRN, Bridge Street District - Scioto River Neighborhood District, totaling 14.02 acres located southeast of the Riverside Drive and S.R. 161 Roundabout (Case 21-189Z).
13-22	4-25-22	Rezoning +/- 35 acres from R-1, Restricted Suburban Residential District to PUD, Planned Unit Development District, Mount Carmel Hospital Northwest to accommodate up to 314,520 sf of development in two phases consisting of an inpatient hospital, ambulatory care facility, and medical offices. The site is located northwest of the intersection of Sawmill Road and I-270 (Case 22-001Z/PDP).

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
31-21	7-26-21	Providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$19,750,000 for the purpose of paying the costs of refunding bonds previously issued by the city for the purpose of paying the costs of various public infrastructure projects.
32-21	7-26-21	Providing for the issuance and sale of bonds in the maximum principal amount of \$1,500,000 for the purpose of paying the costs of improving the municipal sanitary sewer system by extending certain sewer lines, repairing and lining certain existing sewer lines, and installing associated manholes and service laterals, together with all incidental work and related appurtenances thereto.
05-22	3-21-22	Providing for the issuance and sale of bonds in the maximum principal amount of \$3,460,000 for the purpose of paying the costs of improving the municipal sanitary sewer system by extending certain sewer lines, repairing and lining certain existing sewer lines, reducing inflow and infiltration, and installing new sewer lines, new force mains, a lift station and a pump station, together with all incidental work and related appurtenances thereto.
06-22	3-21-22	Providing for the issuance and sale of bonds in the maximum principal amount of \$2,725,000 for the purpose of paying the costs of improving the municipal waterworks system by upgrading the existing Tartan West Booster

		Station, adding a water quality monitoring unit to the Post Road Booster Station, replacing water lines and installing water line extensions, together with all incidental work and related appurtenances thereto.
07-22	3-21-22	Providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$2,850,000 for the purpose of paying the costs of refunding bonds previously issued by the city for the purpose of paying the costs of various public infrastructure projects.
08-22	3-21-22	Providing for the issuance and sale of bonds in the maximum principal amount of \$5,700,000 for the purpose of improving the municipal parks and recreation system by paying a portion of the costs of constructing the Riverside Crossing Park, together with all incidental work and related appurtenances thereto.

References to Ordinances

50SS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
62-21	10-11-21	T.S.O. V
63-21	10-11-21	T.S.O. V
64-21	10-25-21	T.S.O. V
65-21	10-25-21	T.S.O. V
66-21	10-25-21	T.S.O. V
67-21	10-25-21	T.S.O. V
70-21	11-8-21	T.S.O. X
71-21	11-8-21	T.S.O. V
72-21	11-8-21	34.02, 34.08
74-21	11-15-21	35.80 - 35.84
76-21	11-15-21	51.64, 52.06
80-21	11-15-21	T.S.O. I
81-21	11-15-21	140.01 - 140.08
82-21	12-6-21	T.S.O. X
83-21	12-6-21	T.S.O. II
84-21	12-6-21	30.02
85-21	12-6-21	T.S.O. V
86-21	12-6-21	153.045 - 153.048
87-21	12-6-21	T.S.O. X
90-21	12-6-21	31.07, 31.08
91-21	1-10-22	T.S.O. I
92-21	1-10-22	T.S.O. I
93-21	12-6-21	T.S.O. I
02-22	3-21-22	T.S.O. X
05-22	3-21-22	T.S.O. XI
06-22	3-21-22	T.S.O. XI
07-22	3-21-22	T.S.O. XI
08-22	3-21-22	T.S.O. XI
09-22	3-21-22	Adopting Ordinance
10-22	4-11-22	153.158
11-22	4-11-22	T.S.O. I
13-22	4-25-22	T.S.O. X
15-22	4-25-22	T.S.O. II
16-22	5-9-22	30.02
18-22	5-9-22	T.S.O. I
23-22	6-13-22	153.999
24-22	6-27-22	T.S.O. II
25-22	6-27-22	T.S.O. I
26-22	6-27-22	T.S.O. I
27-22	6-27-22	T.S.O. I

<i>Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
26-21	5-10-21	T.S.O. II
27-21	5-10-21	T.S.O. II
29-21	5-24-21	T.S.O. II
30-21	5-24-21	T.S.O. IV
31-21	5-24-21	T.S.O. IV
32-21	5-24-21	T.S.O. II
33-21	5-24-21	T.S.O. II
35-21	6-14-21	T.S.O. II
36-21	6-14-21	T.S.O. II
37-21	6-28-21	T.S.O. II
38-21	6-28-21	T.S.O. II
39-21	6-28-21	T.S.O. II
40-21	6-28-21	T.S.O. II
41-21	6-28-21	T.S.O. II
42-21	6-28-21	T.S.O. II
43-21	7-26-21	T.S.O. II
44-21	7-26-21	T.S.O. II
45-21	7-26-21	T.S.O. II
46-21	7-26-21	T.S.O. II
48-21	8-16-21	T.S.O. II
49-21	8-16-21	T.S.O. II
51-21	8-30-21	T.S.O. II
54-21	9-27-21	T.S.O. II
55-21	9-27-21	T.S.O. II
56-21	9-27-21	T.S.O. II
57-21	10-11-21	T.S.O. II
59-21	10-25-21	T.S.O. IV
60-21	10-25-21	T.S.O. IV
62-21	11-8-21	T.S.O. II
63-21	11-8-21	T.S.O. IV
64-21	11-8-21	T.S.O. IV
65-21	11-8-21	30.03
66-21	11-8-21	T.S.O. II
68-21	11-15-21	T.S.O. II
69-21	11-15-21	T.S.O. II
70-21	11-15-21	T.S.O. II
71-21	11-15-21	T.S.O. II
72-21	11-15-21	32.95 - 32.106
73-21	12-6-21	T.S.O. IV
75-21	12-6-21	T.S.O. II
01-22	1-24-22	T.S.O. II
02-22	2-14-22	T.S.O. II
04-22	2-14-22	T.S.O. II
07-22	2-28-22	T.S.O. II

SUMMARY OF NEW MATTER
CONTAINED IN THE 2022 S-52 SUPPLEMENT
FOR THE CODIFIED ORDINANCES OF DUBLIN

New matter in the Codified Ordinances of Dublin, Ohio, as contained in the 2022 S-52 Supplement therefor, includes legislation regarding:

<u>Section</u>	<u>R.C. Section</u>	<u>New or amended matter regarding:</u>
111.01	4301.01	Definitions related to alcoholic beverages.
111.07	4301.22	Sales to intoxicated persons; restrictions on sales.
111.09	4301.62	Open container prohibited
137.10	2923.126	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
138.01	2925.01	Definitions related to drug offenses.

**DUBLIN, OHIO
Instruction Sheet
2022 S-52 Supplement**

REMOVE OLD PAGES

Title page

INSERT NEW PAGES

Title page

ADOPTING ORDINANCE

—

99, 100

TITLE III: ADMINISTRATION CODE

3, 4

3, 4

TITLE XI: BUSINESS REGULATIONS

9, 10
15 through 18
18C through 18F

9, 10
15 through 18
18C through 18F

TITLE XIII: GENERAL OFFENSES

104A, 104B
104E, 104F
105 through 112B
114A through 114D

104A, 104B
104E, 104F
105 through 112B
114A through 114D

TITLE XV: LAND USAGE

275 through 278
317, 318

275 through 278B
317, 318

TABLE OF SPECIAL ORDINANCES

14MMM, 14NNN
—
72SS, 72TT
97, 98

14MMM, 14NNN
16GGGGGG, 16HHHHHH
72SS, 72TT
97 through 100

REMOVE OLD PAGES

INSERT NEW PAGES

PARALLEL REFERENCES

50SS, 50TT
75, 76

50SS, 50TT
75, 76

CITY OF DUBLIN, OHIO

CODE OF ORDINANCES

2022 S-52 Supplement contains:
Local legislation current through 6-30-22, and
State legislation current through 4-6-22

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

**DUBLIN, OHIO
Instruction Sheet
2022 S-52 Supplement**

REMOVE OLD PAGES

INSERT NEW PAGES

VOLUME I

Title page

Title page

ADOPTING ORDINANCE

—

99, 100

TITLE III: ADMINISTRATION CODE

3, 4

3, 4

TITLE XI: BUSINESS REGULATIONS

9, 10
15 through 18
18C through 18F

9, 10
15 through 18
18C through 18F

TITLE XIII: GENERAL OFFENSES

104A, 104B
104E, 104F
105 through 112B
114A through 114D

104A, 104B
104E, 104F
105 through 112B
114A through 114D

CITY OF DUBLIN, OHIO

CODE OF ORDINANCES

VOLUME I

2022 S-52 Supplement contains:
Local legislation current through 6-30-22, and
State legislation current through 4-6-22

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

Ordinance No. 09-22

**AN ORDINANCE ADOPTING AND ENACTING A
SUPPLEMENT (S-51) TO THE CODE OF ORDINANCES
FOR THE CITY OF DUBLIN, OHIO**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the current supplement (S-51) to the Code of Ordinances of the City of Dublin, which contains all ordinances of a general and permanent nature enacted by the City of Dublin through December 31, 2021; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances, which are based on or make reference to sections of the Ohio Revised Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Ohio through November 4, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 7 of the elected members concurring, that:

SECTION 1. The current supplement (S-51) to the Dublin Code of Ordinances as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as on file with the Clerk of Council, be and the same hereby is adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority, and the Clerk of Council is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Council.

SECTION 3. This Ordinance is effective upon passage, in accordance with Section 4.04(a)(5) of the Revised Charter.

Passed this 21st day of March, 2022.

/s/

Mayor - Presiding Officer

ATTEST:

/s/

Clerk of Council

CHAPTER 30: CITY COUNCIL

Section

- 30.01 Meetings
- 30.02 Wards established
- 30.03 Council Rules of Order

Cross-reference:

For Charter provisions concerning the Council, see Charter Article III

§ 30.01 MEETINGS.

The regularly scheduled meetings of Council shall begin at 7:00 p.m. on the second and fourth Mondays of the month or on such dates as are otherwise approved on the yearly meeting calendar or by a majority vote of City Council.

('80 Code, § 121.01) (Res. 54-76, passed 11-15-76; Am. Res. 09-96, passed 6-9-97; Am. Res. 47-09, passed 1-5-09)

§ 30.02 WARDS ESTABLISHED.

The corporate limits of the municipality are hereby divided into wards as bounded and described in Exhibit A of Ordinance 16-22 with the respective population indicated, pursuant to Article 9.04 of the Revised Charter.

('80 Code, § 107.01) (Ord. 43-91, passed 6-17-91; Am. Ord. 65-01, passed 5-21-01; Am. Ord. 29-11, passed 6-13-11; Am. Ord. 84-21, passed 12-6-21; Am. Ord. 16-22, passed 5-9-22)

§ 30.03 COUNCIL RULES OF ORDER.

The Council Rules of Order, attached to Resolution 65-21, passed November 8, 2021, as Exhibit A, are hereby adopted and incorporated by reference as if fully set forth herein.

(Res. 09-96, passed 6-9-97; Am. Res. 87-08, passed 1-20-09; Am. Res. 47-09, passed 10-5-09; Am. Res. 44-11, passed 9-12-11; Am. Res. 66-14, passed 8-25-14; Am. Res. 65-21, passed 11-8-21)

MIXED BEVERAGES. Include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of 1 % of alcohol by volume and not more than 21 % of alcohol by volume. The phrase includes the contents of a pod.

NIGHTCLUB. A place habitually operated for profit, where food is served for consumption on the premises, and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.

PERSON. Includes firms and corporations.

PHARMACY. An establishment as defined in R.C. § 4729.01, that is under the management or control of a licensed pharmacist in accordance with R.C. § 4729.27.

POD. Means a sealed capsule made from plastic, glass, aluminum, or a combination thereof to which all of the following apply:

- (1) The capsule contains intoxicating liquor of more than 21 % of alcohol by volume.
- (2) The capsule also contains a concentrated flavoring mixture.
- (3) The contents of the capsule are not readily accessible or intended for consumption unless certain manufacturer's processing instructions are followed.
- (4) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents.
- (5) After being properly processed according to the manufacturer's instructions, the final product produced from the capsule contains not less than 0.5 % of alcohol by volume and not more than 21 % of alcohol by volume.

RESTAURANT. A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. **RESTAURANT** does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.

SALE and SELL. The exchange, barter, gift, offer for sale, sale, distribution, and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to R.C. § 4301.21. **SALE** and **SELL** do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the department of liquor control authorizing the sale of the beer or intoxicating liquor, but no solicitor

shall solicit any orders until the solicitor has been registered with the department pursuant to R.C. § 4303.25.

SALES AREA OR TERRITORY. An exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. ***SALES AREA OR TERRITORY*** does not include, however, any particular retail location in an exclusive geographic area or territory that has been assigned to another A or B permit holder before April 9, 2001.

SEALED CONTAINER. Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.

SPIRITUOUS LIQUOR. All intoxicating liquors containing more than 21 % of alcohol by volume. The phrase does not include the contents of a pod.

VEHICLE. All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

WHOLESALE DISTRIBUTOR and DISTRIBUTOR. A person engaged in the business of selling to retail dealers for purposes of resale.

WINE. All liquids fit to use for beverage purposes containing not less than 0.5 % of alcohol by volume and not more than 21 % of alcohol by volume, that is made from the fermented juices of grapes, fruits, or other agricultural products. The term includes cider, except as used in R.C. §§ 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44, and, for purposes of determining the rate of the tax that applies, R.C. § 4301.43(B), the term does not include cider.
(R.C. §§ 4301.01, 4301.244) ('80 Code, § 529.01)

§ 111.02 PERMIT REQUIRED.

(A) No person by himself or by his clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol in or into this municipality for delivery, use or sale, unless such person has fully complied with R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Department of Liquor Control and in force at the time.

(B) No manufacturer, supplier, wholesale distributor, broker, or retailer of beer or intoxicating liquor, or other person shall employ, retain, or otherwise utilize any person in this state to act as an employee, agent, solicitor, or salesperson, or act in any other representative capacity to sell, solicit, take orders, or receive offers to purchase or expressions of interest to purchase beer or intoxicating liquor from any person, at any location other than a liquor permit premises, except as specifically authorized by R.C. Chapter 4301 or R.C. Chapter 4303 or rules adopted thereunder. No function, event, or party

§ 111.07 SALES TO INTOXICATED PERSONS; RESTRICTIONS ON SALES.

Sales of beer and intoxicating liquor under all classes of permits and from state liquor stores are subject to the following restrictions, in addition to those imposed by the rules or orders of the state department of liquor control.

(A) (1) Except as otherwise provided in this chapter or in R.C. Chapter 4301, no beer or intoxicating liquor shall be sold to any person under 21 years of age.

(2) No low-alcohol beverage shall be sold to any person under 18 years of age. No permit issued by the division shall be suspended, revoked, or canceled because of a violation of this subsection.

(3) (a) Except as provided in division (A)(3)(b) of this section, all of the following apply to the handling, serving, and selling of beer and intoxicating liquor by a person employed by a permit holder:

1. No person under 19 years of age shall sell beer across a bar.
2. No person under 21 years of age shall sell wine, mixed beverages, or spirituous liquor across a bar.
3. No person under 18 years of age shall otherwise handle, serve, or sell beer or intoxicating liquor.

(b) Any person employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading, or unloading, and may handle beer or intoxicating liquor in open containers in connection with cleaning tables or handling empty bottles or glasses.

(B) No sales shall be made to an intoxicated person.

(C) (1) No sales of intoxicating liquor shall be made after 2:30 a.m. on Sunday, except under either of the following circumstances:

(a) Intoxicating liquor may be sold on Sunday under authority of a permit that authorizes Sunday sale.

(b) Spiritous liquor may be sold on Sunday by any person awarded an agency contract under R.C. § 4301.17 if the sale of spiritous liquor is authorized in the applicable precinct as the result of an election on question (B)(1) or (B)(2) of R.C. § 4301.351 and if the agency contract authorizes the sale of spiritous liquor on Sunday.

(2) This section does not prevent the municipality from adopting a closing hour for the sale of intoxicating liquor earlier than 2:30 a.m. on Sunday or to provide that no intoxicating liquor may be sold prior to that hour on Sunday.

(D) (1) No holder of a permit shall give away any beer or intoxicating liquor of any kind at any time in connection with the permit holder's business. However, with the exception of an A-1-A permit holder that also has been issued an A-2 or A-2f permit, an A-1-A, A-1c, or D permit holder may provide to a paying customer not more than a total of four tasting samples of beer, wine, or spirituous liquor, as authorized by the applicable permit, in any twenty-four-hour period. The permit holder shall provide the tasting samples free of charge, at the permit holder's expense, only to a person who is 21 years of age or older. The person shall consume the tasting samples on the premises of the permit holder. A distributor is not responsible for the costs of providing tasting samples authorized under division (D) of this section.

(2) As used in division (D) of this section:

TASTING SAMPLE. Means one of the following, as applicable:

1. An amount not to exceed two ounces of beer;
2. An amount not to exceed two ounces of wine;
3. An amount not to exceed a quarter ounce of spirituous liquor.

D PERMIT HOLDER. Means a person that has been issued a D-1, D-2, D-2x, D-3, D-3a, D-3 x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, or D-7 permit.

(E) Except as otherwise provided in this division, no retail permit holder shall display or permit the display on the outside of any licensed retail premises, or on any lot of ground on which the licensed premises are situated, or on the exterior of any building of which the licensed premises are a part, any sign, illustration, or advertisement bearing the name, brand name, trade name, trademark, designation, or other emblem of, or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of, any beer or intoxicating liquor. Signs, illustrations, or advertisements bearing the name, brand name, trade name, trademark, designation, or other emblem of or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of beer or intoxicating liquor may be displayed and permitted to be displayed on the interior or in the show windows of any licensed premises, if the particular brand or type of product so advertised is actually available for sale on the premises at the time of that display. The liquor control commission shall determine by rule the size and character of those signs, illustrations, or advertisements.

(F) No retail permit holder shall possess on the licensed premises any barrel or other container from which beer is drawn, unless there is attached to the spigot or other dispensing apparatus the name of the manufacturer of the product contained in the barrel or other container, provided that, if the beer is served at a bar, the manufacturer's name or brand shall appear in full view of the purchaser. The commission shall regulate the size and character of the devices provided for in this section.

(G) The sale of gift certificates for the purchase of beer, wine, or mixed beverages shall be permitted for the purchase of beer, wine, or mixed beverages for on- or off-premises consumption. Limitations on the use of a gift certificate for the purchase of beer, wine, or mixed beverages for on- or off-premises consumption may be expressed by clearly stamping or typing on the face of the certificate that the certificate may not be used for the purchase of beer, wine, or mixed beverages for on-premises consumption. (R.C. § 4301.22)
(‘80 Code, § 529.03(a), (b)) Penalty, see § 111.99

§ 111.08 LIQUOR CONSUMPTION IN MOTOR VEHICLE.

No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in § 111.09. (R.C. § 4301.64)
(‘80 Code, § 529.04(a)) Penalty, see § 111.99

§ 111.09 OPEN CONTAINER PROHIBITED.

(A) As used in this section:

CHAUFFEURED LIMOUSINE means a vehicle registered under R.C. § 4503.24.

STREET, ***HIGHWAY***, and ***MOTOR VEHICLE*** have the same meanings as in R.C. § 4511.01.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C)(1)(e) of this section, in a state liquor store;

(2) Except as provided in division (C) or (J) of this section, on the premises of the holder of any permit issued by the Division of Liquor Control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C) (1) A person may have in the person's possession an opened container of any of the following:

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in R.C. § 4303.201;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission;

(e) Spiritous liquor to be consumed for purposes of a tasting sample, as defined in R.C. § 4301.171.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division (C)(2), **MUSIC FESTIVAL** means a series of outdoor live musical performances extending for a period of at least three consecutive days and located on an area of land of at least 40 acres.

(3) (a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

(b) As used in division (C)(3)(a) of this section:

ORCHESTRAL PERFORMANCE means a concert comprised of a group of not fewer than 40 musicians playing various musical instruments.

(2) The Legislative Authority may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, **COMMERCIAL QUADRICYCLE** means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

- (a) It has four wheels and is operated in a manner similar to a bicycle.
- (b) It has at least five seats for passengers.
- (c) It is designed to be powered by the pedaling of the operator and the passengers.
- (d) It is used for commercial purposes.
- (e) It is operated by the vehicle owner or an employee of the owner.

(G) (1) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

(2) As used in division (G) of this section, **MARKET** means an establishment that:

- (a) Leases space in the market to individual vendors, not less than 50% of which are retail food establishments or food service operations licensed under R.C. Chapter 3717;
- (b) Has an indoor sales floor area of not less than 22,000 square feet;
- (c) Hosts a farmer's market on each Saturday from April through December.

(H) (1) As used in this section, **ALCOHOLIC BEVERAGE** has the same meaning as in R.C. § 4303.185.

(2) An alcoholic beverage in a closed container being transported under R.C. § 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.

(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in R.C. § 4303.181(D)(2)(a)(iii), when both of the following apply:

(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and

(2) The consumption is authorized under R.C. § 4303.181(D)(2)(a).

(J) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with R.C. § 4301.201(E).
(R.C. § 4301.62)

(K) Whoever violates this section is guilty of a minor misdemeanor. (R.C. § 4301.99(A))
('80 Code, § 529.07(a) - (c))

§ 111.10 ALCOHOL VAPORIZING DEVICES PROHIBITED.

(A) As used in this section, *ALCOHOL VAPORIZING DEVICE* means a machine or other device that mixes beer or intoxicating liquor with pure oxygen or any other gas to produce a vaporized product for the purpose of consumption by inhalation.

(B) No person shall sell or offer for sale an alcohol vaporizing device.

(C) No person shall purchase or use an alcohol vaporizing device.
(R.C. § 4301.65)

(D) (1) Whoever violates division (B) of this section is guilty of misdemeanor of the third degree. For a second or subsequent violation occurring within a period of five consecutive years after the first violation, a person is guilty of a misdemeanor of the first degree.
(R.C. § 4301.99(J))

(2) Whoever violates division (C) of this section is guilty of a minor misdemeanor.
(R.C. § 4301.99(A))

§ 111.99 PENALTY.

(A) Whoever violates §§ 111.02, 111.04, or 111.09 is guilty of a minor misdemeanor.
(R.C. § 4301.99(A)) ('80 Code, §§ 529.05(b), 529.08(b), 529.07(d))

(B) (1) Whoever violates § 111.05 (A) is guilty of a misdemeanor, shall be fined not less than \$500 and not more than \$1000, and, in addition to the fine, may be imprisoned for a definite term of not more than six months. (R.C. § 4301.99(I))

(2) Whoever violates § 111.05 (B) through (E) is guilty of a misdemeanor of the first degree. If an offender who violates § 111.05(E)(1) of this section was under the age of 18 years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall suspend the

offender's temporary instruction permit or probationary driver's license for a period of six months. If the offender is 15 years and 6 months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of 15 years and 6 months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of 16 years. (R.C. § 4301.99(C)) ('80 Code, § 529.02(I))

(3) It is an affirmative defense to a charge under § 111.05(B) and (F) that the person charged with violating the section has taken reasonable precautionary measures under the circumstances to restrict or prevent access by underage persons to alcoholic beverages. (Ord. 20-09, passed 5-4-09)

(C) (1) Whoever violates any provision of § 111.06 for which no other penalty is provided is guilty of a misdemeanor of the first degree.

(2) Whoever violates § 111.06 (A) shall be fined not less than \$25 nor more than \$100. The court imposing a fine for a violation of § 111.06 (A) may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed. (R.C. § 4301.99(E))

(3) (a) Whoever violates § 111.06 (D) is guilty of a misdemeanor of the first degree. If, in committing a first violation of § 111.06 (D), the offender presented to the permit holder or his employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than \$250 and not more than \$1,000 and may be sentenced to a term of imprisonment of not more than six months.

(b) On a second violation in which, for the second time, the offender presented to the permit holder or his employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than \$500 nor more than \$1,000, and may be sentenced to a term of imprisonment of not more than six months. The court also may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period not exceeding 60 days.

(c) On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or his employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than \$500 nor more than \$1,000 and may be sentenced to a term of imprisonment of not more than six months. Except as provided in this division, the court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6), and the court may

order that the suspension or denial remain in effect until the offender attains the age of 21 years. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform. (R.C. § 4301.99(F)) ('80 Code, § 529.021(e))

(D) (1) Whoever violates § 111.07 (A)(1) is guilty of a misdemeanor, shall be fined not less than \$500 and not more than \$1000, and, in addition to the fine, may be imprisoned for a definite term of not more than 60 days. (R.C. § 4301.99 (H))

(2) Whoever violates § 111.07 (A)(1) or (3) or (B) is guilty of a misdemeanor of the third degree. (R.C. § 4301.99 (D))

(3) Whoever violates § 111.07 (A)(2) or (C) is guilty of a misdemeanor of the fourth degree. (R.C. § 4301.99 (B)). ('80 Code, § 529.03(c))

(E) Whoever violates § 111.08 is guilty of a misdemeanor of the fourth degree. If an offender who violates § 111.08 was under the age of 18 years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, may suspend the offender's temporary instruction permit, probationary driver's license or driver's license for a period of not less than six months and not more than one year. In lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, the court instead may require the offender to perform community service for a number of hours determined by the court. If the offender is 15 years and 6 months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of 15 years and 6 months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of 16 years. (R.C. § 4301.99(B)) ('80 Code, § 529.04(b))

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

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(‘80 Code, § 549.11) Penalty, see § 130.99

§ 137.10 CONCEALED HANDGUN LICENSES: POSSESSION OF A REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING OF SIGNS PROHIBITING POSSESSION.

(A) *Possession of a revoked or suspended concealed handgun license.*

(1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.

(2) Whoever violates this division (A) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.
(R.C. § 2923.1211(B), (C))

(B) *Additional restrictions.* Pursuant to R.C. § 2923.126:

(1) A concealed handgun license that is issued under R.C. § 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of 30 days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B)(2) and (B)(3) of this section, a licensee who has been issued a concealed handgun license under R.C. § 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after that change.

(2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under R.C. § 2923.12(B) or in any manner prohibited under R.C. § 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(a) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to R.C. § 5119.14(A) or R.C. § 5123.03(A)(1);

(b) A school safety zone if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.122;

(c) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.123;

(d) Any premises or open air arena for which a D permit has been issued under R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of R.C. § 2923.121;

(e) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

(4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to R.C. § 109.69 or a person who holds a valid concealed handgun license under the circumstances described in R.C. § 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.

(5) (a) A peace officer has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125, provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

(b) An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions as specified in this division (B).

(c) A tactical medical professional who is qualified to carry firearms while on duty under R.C. § 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(6) (a) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section shall be considered to be a licensee in this state.

(b) 1. Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

2. A retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section may include the firearms requalification certification described in division (B)(6)(c) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (B)(6)(b)1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".

3. A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (B)(6)(b)1. of this section.

(c) 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (B)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the

CHAPTER 138: DRUG OFFENSES

Section

- 138.01 Definitions
- 138.02 Trafficking in controlled substances; gift of marihuana
- 138.03 Drug possession offenses
- 138.04 Possessing drug abuse instruments
- 138.05 Permitting drug abuse
- 138.06 Possessing or using harmful intoxicants
- 138.07 Illegally dispensing drug samples
- 138.08 Controlled substance or prescription labels
- 138.09 Hypodermic possession, display and dispensing
- 138.10 Nitrous oxide: improper dispensing or distribution; possession in a motor vehicle
- 138.11 Drug paraphernalia
- 138.12 Counterfeit controlled substances
- 138.13 Pseudoephedrine sales
- 138.14 Sale of pure caffeine product
- 138.15 Sale of dextromethorphan

§ 138.01 DEFINITIONS.

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

ADMINISTER. Has the same meaning as in R.C. § 3719.01.

ADULTERATE. To cause a drug to be adulterated as described in R.C. § 3715.63.

ALCOHOL AND DRUG ADDICTION SERVICES. Has the same meaning as in R.C. § 5119.01.

BULK AMOUNT. Of a controlled substance means any of the following:

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

- (a) An amount equal to or exceeding ten grams or 25 unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I opiate or opium derivative;
- (b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;
- (c) An amount equal to or exceeding 30 grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
- (d) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II opiate or opium derivative;
- (e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;
- (f) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
- (g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws;
- (2) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
- (3) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;
- (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule V substance;
- (5) An amount equal to or exceeding 200 solid dosage units, 16 grams, or 16 milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III anabolic steroid;

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

CERTIFIED GRIEVANCE COMMITTEE. A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.

COCAINE. Any of the following:

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

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

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

COMMITTED IN THE VICINITY OF A JUVENILE. An offense is “committed in the vicinity of a juvenile” if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

COMMITTED IN THE VICINITY OF A SCHOOL. An offense is “committed in the vicinity of a school” if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.

COMMITTED IN THE VICINITY OF A SUBSTANCE ADDICTION SERVICES PROVIDER OR A RECOVERING ADDICT. An offense is “committed in the vicinity of a substance addiction services provider or a recovering addict” if either of the following apply:

(1) The offender commits the offense on the premises of a substance addiction services provider’s facility, including a facility licensed prior to June 29, 2019, under R.C. § 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under R.C. § 5119.37,

or within 500 feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

CONTROLLED SUBSTANCE. Has the same meaning as in R.C. § 3719.01.

CONTROLLED SUBSTANCE ANALOG. Has the same meaning as in R.C. § 3719.01.

COUNTERFEIT CONTROLLED SUBSTANCE. Any of the following:

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

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

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

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

CULTIVATE. Includes planting, watering, fertilizing or tilling.

DANGEROUS DRUG. Has the same meaning as in R.C. § 4729.01.

DECEPTION. Has the same meaning as in R.C. § 2913.01.

DISCIPLINARY COUNSEL. The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.

DISPENSE. Has the same meaning as in R.C. § 3719.01.

DISTRIBUTE. Has the same meaning as in R.C. § 3719.01.

DRUG. Has the same meaning as in R.C. § 4729.01.

DRUG ABUSE OFFENSE. Any of the following:

(1) A violation of R.C. § 2913.02(A) that constitutes theft of drugs, or any violation of R.C. § 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37.

(2) A violation of an existing or former law of a municipality, state or any other state or of the United States, that is substantially equivalent to any section listed in division (1) of this definition.

(3) An offense under an existing or former law of a municipality, state or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element.

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under division (1), (2), or (3) of this definition.

DRUG DEPENDENT PERSON. Has the same meaning as in R.C. § 3719.011.

DRUG OF ABUSE. Has the same meaning as in R.C. § 3719.011.

FELONY DRUG ABUSE OFFENSE. Any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

FENTANYL-RELATED COMPOUND. Any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

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

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

(a) A chemical scaffold consisting of both of the following:

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

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

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

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

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

HARMFUL INTOXICANT. Does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction,

paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes but is not limited to any of the following:

- (a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent.
- (b) Any aerosol propellant.
- (c) Any fluorocarbon refrigerant.
- (d) Any anesthetic gas.
- (2) Gamma Butyrolactone;
- (3) 1,4 Butanediol.

HASHISH.

- (1) A resin or a preparation of a resin to which both of the following apply:
 - (a) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
 - (b) It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
- (2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under R.C. § 928.03.

HYPODERMIC. Has the same meaning as in R.C. § 3719.01.

JUVENILE. A person under 18 years of age.

LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS. Has the same meaning as in R.C. § 4729.01.

L.S.D. Lysergic acid diethylamide.

MAJOR DRUG OFFENDER. Has the same meaning as in R.C. § 2929.01.

MANDATORY PRISON TERM. Has the same meaning as in R.C. § 2929.01.

MANUFACTURE. To plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any

combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

MANUFACTURER. Has the same meaning as in R.C. § 3719.01.

MARIHUANA. Has the same meaning as in R.C. § 3719.01, except that it does not include hashish.

METHAMPHETAMINE. Methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

MINOR DRUG POSSESSION OFFENSE. Either of the following:

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

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

OFFICIAL WRITTEN ORDER. Has the same meaning as in R.C. § 3719.01.

PERSON. Has the same meaning as in R.C. § 3719.01.

PHARMACIST. Has the same meaning as in R.C. § 3719.01.

PHARMACY. Has the same meaning as in R.C. § 3719.01.

POSSESS or POSSESSION. Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

PREMISES OF A SUBSTANCE ADDICTION SERVICES PROVIDER'S FACILITY. Means the parcel of real property on which any substance addiction service provider's facility is situated.

PRESCRIPTION. Has the same meaning as in R.C. § 4729.01.

PRESUMPTION FOR A PRISON TERM or PRESUMPTION THAT A PRISON TERM SHALL BE IMPOSED. A presumption as described in R.C. § 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under R.C. § 2929.11.

PROFESSIONAL LICENSE. Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in R.C. § 2925.01(W)(1) through (W)(37) and that qualifies a person as a professionally licensed person.

PROFESSIONALLY LICENSED PERSON. Any of the following:

- (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
- (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under R.C. Chapter 4703;
- (3) A person who is registered as a landscape architect under R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
- (4) A person licensed under R.C. Chapter 4707;
- (5) A person who has been issued a certificate of registration as a registered barber under R.C. Chapter 4709;
- (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of R.C. Chapter 4710;
- (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license,

(36) A person who has been issued a home inspector license under R.C. Chapter 4764;

(37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.

PUBLIC PREMISES. Any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

SALE. Has the same meaning as in R.C. § 3719.01.

SAMPLE DRUG. A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

SCHEDULE I, SCHEDULE II, SCHEDULE III, SCHEDULE IV or SCHEDULE V. Have the same meaning as in R.C. § 3719.01.

SCHOOL. Any school operated by a board of education, any community school established under R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

SCHOOL BUILDING. Any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

SCHOOL PREMISES. Either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under R.C. § 3301.07 and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

STANDARD PHARMACEUTICAL REFERENCE MANUAL. The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

SUBSTANCE ADDICTION SERVICES PROVIDER. Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under R.C. § 5119.36;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

UNIT DOSE. An amount or unit or a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

WHOLESALE. Has the same meaning as in R.C. § 3719.01.
(R.C. § 2925.01) ('80 Code, § 513.01)

§ 138.02 TRAFFICKING IN CONTROLLED SUBSTANCES; GIFT OF MARIHUANA.

(A) No person shall knowingly do any of the following:

(1) Sell or offer to sell a controlled substance or a controlled substance analog;

(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.

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

(1) Manufacturers, practitioners, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, and 4741.

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration.

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through

implants to livestock or other nonhuman species and approved for that purpose under the Federal Food, Drug and Cosmetic Act, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that Act.

(C) Whoever violates division (A) of this section is guilty of the following:

(1) Except as otherwise provided in divisions (C)(2) and (C)(3) of this section, trafficking in controlled substances is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, if the offense involves a gift of 20 grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of 20 grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(3) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies:

(a) Except as otherwise provided in division (C)(3)(b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C)(2) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under R.C. § 2925.03(C)(9) for trafficking in a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under R.C. § 2925.03(C)(9).

(D) As used in this section, “drug” includes any substance that is represented to be a drug.
(R.C. § 2925.03(A) - (C), (I)) Penalty, see § 130.99

Statutory reference:

Felony drug trafficking offenses, see R.C. § 2925.03(C)

§ 138.03 DRUG POSSESSION OFFENSES.

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

**DUBLIN, OHIO
Instruction Sheet
2022 S-52 Supplement**

REMOVE OLD PAGES

INSERT NEW PAGES

VOLUME II

Title page

Title page

TITLE XV: LAND USAGE

275 through 278
317, 318

275 through 278B
317, 318

TABLE OF SPECIAL ORDINANCES

14MMM, 14NNN
—
72SS, 72TT
97, 98

14MMM, 14NNN
16GGGGGG, 16HHHHHH
72SS, 72TT
97 through 100

PARALLEL REFERENCES

50SS, 50TT
75, 76

50SS, 50TT
75, 76

CITY OF DUBLIN, OHIO

CODE OF ORDINANCES

VOLUME II

2022 S-52 Supplement contains:
Local legislation current through 6-30-22, and
State legislation current through 4-6-22

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
525 Vine Street ✧ Suite 310 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

(H) *Model Home Period Sign.*

(1) *General.* A sign permit must be obtained in accordance with § 153.151. See § 153.073 for additional regulation pertaining to model homes. Shall be permitted in lieu of an exempt residential sale or leasing period sign as described in §153.158(I).

(2) *Location.* Shall be located only on the lot or parcel where homes are being constructed.

(3) *Size, Height.* Such signs shall be limited to eight square feet in area and six feet in height.

(4) *Illumination.* May not be internally illuminated.

(5) *Duration.* Shall be permitted during any period when an approved residential development is under construction, until such time as the subdivision or development is complete or the model home is discontinued.

(I) *Non-residential Sale or Leasing Period Signs.*

(1) *General.* A sign permit must be obtained in accordance with § 153.151, and information verifying the availability of space for lease or sale shall be required with the permit submission.

(2) *Number.* One such sign is permitted per parcel, either ground, wall, or window. One additional ground sign shall be permitted for a parcel with freeway frontage.

(3) *Size, Height.*

(a) *Ground-mounted signs.*

1. Non-freeway frontage. Signs are limited to 15 square feet in area and four feet in height.

2. Freeway frontage. Signs are limited to 24 square feet in area and eight feet in height.

(b) *Wall signs.* Wall signs shall be limited to 16 square feet in area with a maximum height of 15 feet to the top of the sign.

(c) *Window signs.* Window signs shall not to exceed 10% of the total window area of the establishment or six square feet, whichever is less.

(4) *Placement.* Signs must be located so that they do not interfere with the safe movement of vehicular and pedestrian traffic.

(5) *Duration.* Such signs shall be permitted for one year and renewed on an annual basis.

(6) *Materials/Design.* Such signs shall be professionally design and constructed of a uniform sign design, as established by City Council. Ground and wall signs shall be constructed of MDO, Medium Density Overlay. Ground signs shall be post mounted.

(J) *Residential Sale or Leasing Period Sign.*

(1) *General.* A sign permit is not required for Residential Sale or Leasing Period Signs. Such signs are subject to the restrictions listed in § 153.153 and § 153.154.

(2) *Size, Height.* Such signs are limited to seven square feet in area and three feet in height in all residential areas.

(3) *Placement.* Free-standing signs must be located so that they do not interfere with the safe movement of vehicular or pedestrian traffic. Permitted temporary off-premises signs must not be located so that they interfere with the safe movement of vehicular or pedestrian traffic and may not be located within street medians.

(4) *Duration.* Such signs are permitted during any period when any premise or part thereof is actively offered for sale or lease, and removed no later than 30 days after the premises or part thereof is occupied by a new owner or tenant.

(K) *Seasonal Business Period Sign.*

(1) *General.* A sign permit must be obtained in accordance with § 153.151.

(2) *Number.* One sign per street frontage is permitted.

(3) *Size, Height.* Such signs are limited to 32 square feet in area and eight feet in height.

(4) *Setback.* They must be set back at least eight feet from any public right-of-way.

(L) *Seasonal Decorations.*

(1) *General.* Seasonal decorations do not require a sign permit. Such decorations are subject to the restrictions listed in § 153.153 and § 153.154.

(2) *Illumination.* Such decorations may be illuminated, providing no safety or visibility hazards are caused by such illumination. Animated and flashing seasonal decorations are permitted for residential uses only, and may not be installed in locations that create safety or visibility hazards.

(3) *Duration.* Decorations erected or installed shall be permitted an aggregate total of 60 days in any one given year.

(M) *Special Events.*

(1) *General.* A temporary sign permit will be issued for a special event only after a special event application form has been filled out and approved. The event coordinator is required to complete a special event application form, which includes a description of the proposed signage. On-site temporary signage before or during a special event, with the exception of banners and gas-inflatable devices, does not require a permit.

(2) *Number.* A special event organizer may erect a maximum of eight temporary off-premise signs, provided that a sign permit is obtained from the Planning Director or designee before installation. The location and number of signs permitted, up to the maximum permitted in § 153.158(L) will be determined on a case-by-case basis, based on considerations of traffic safety and size of attendance.

(3) *Placement.* The city will provide and install standardized sandwich boards for all off-premise signs. The event organizer is responsible for supplying paper or plastic signs, which will be affixed to the boards.

(4) *Size.* A maximum of two signs may be up to six square feet in area and three feet in height. A maximum of six signs may be up to two square feet in area and one foot in height.

(5) *Duration.* A maximum of two signs may be installed no earlier than seven days immediately preceding the event but must be removed no later than 24 hours following conclusion of the event. A maximum of six signs may be installed no earlier than 24 hours immediately preceding the event but must be removed within 24 hours following conclusion of the event.

(6) *Illumination.* May not be illuminated.

(N) *Other Temporary Signs.*

(1) *General.* All other temporary signs do not require a sign permit and are subject to the restrictions listed in § 153.153 and § 153.154. Permission to post such signs must be obtained from the owner(s) of the property on which the signs are placed.

(2) *Number.* Up to four temporary signs may be erected on a lot or parcel.

(3) *Size.* No temporary sign may exceed six square feet in size unless specifically permitted elsewhere in this section.

(4) *Height.* No temporary sign may exceed three feet in height unless specifically permitted elsewhere in this section.

(5) *Illumination.* Are not to be illuminated in any manner.

(6) *Placement.* Are not to be affixed to any utility pole, tree, or natural object, are not located within a right-of-way, and do not create a safety or visibility hazard.

(7) *Duration.* All of the permitted signs are limited to a period of four months. ('80 Code, § 1189.11) (Ord. 66-94, passed 3-20-95; Am. Ord. 103-95, passed 12-18-95; Am. Ord. 12-21, passed 4-12-21; Am. Ord. 10-22, passed 4-11-22) Penalty, see § 153.999

§ 153.159 SIGNS WITH SPECIAL CONDITIONS.

For all permanent sign types listed below, a sign permit must be obtained in accordance with § 153.151. In addition to the requirements and regulations in §§ 153.150 through 153.162, the following special conditions shall apply:

(A) *Corporate Office Signs along Interstate District.*

(1) For the purposes of this chapter, the Interstate District is hereby defined to include property with frontage on Interstate 270 that has been improved with corporate office building(s) constructed with two or more stories above the natural grade. Such building is entitled to a wall sign or a ground sign facing the interstate in addition to other permitted signage. In all cases, a maximum of two signs shall be permitted. For wall signs, the permitted sign area is based upon the number of building stories above natural grade and the building setback from the interstate right-of-way line. Buildings that are set back at least 50 feet from the interstate shall be entitled to 100 square feet of signage per story, up to a maximum of 300 square feet. Multi-story buildings set back less than 50 feet from the interstate shall be entitled to a maximum 100 square feet of wall signage regardless of number of stories. Any such wall sign shall be individual channel letters and shall be limited to one color. Wall signs may not extend above the roof line of the building. They may not be attached to a penthouse or roof structure including but not limited to mechanical equipment or roof screening. For ground signs, the permitted sign size is based upon the building setback. Buildings set back at least 100 feet from the interstate, shall be entitled to a sign no greater than 80 feet in area and not more than 12 feet in height.

(2) Buildings setback less than 100 feet from the interstate shall be entitled to a sign no greater than 50 feet in area and not more than eight feet in height. All Interstate District signs shall conform to all setback, design, location, and other requirements not specifically addressed in this section.

(B) *Joint Identification Signs.* One ground sign identifying only the name of a shopping center or other building complex shall be permitted, if there is a minimum of three uses sharing the same site. Such signs shall be permitted in addition to the permitted signs of individual occupants, but shall not list the names of these occupants. A joint identification sign shall not exceed the maximum permitted height of any ground sign identifying the individual occupants and the area of a joint identification sign shall not exceed 80 square feet. A second joint identification sign of the same size is permitted if the site has frontage on two streets, provided that the total lot frontage (on two streets) is 1,000 feet or greater. The two signs shall be no closer than 75 feet. For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan conforming to all the requirements of this Code must be submitted to the Planning Director or designee before any sign permit for the complex or an individual tenant will be issued.

(C) *Entry Feature Signs*. These shall include signs graphically identifying a subdivision and/or multi-family development. Such signs shall be limited to monument signs only. Pole and pylon signs are prohibited. Such signs must consist entirely of natural materials, such as wood, brick and stone. The reverse sides of such signs shall be finished to match the fronts. The graphic area of such signs shall not

Dublin - Land Usage

(G) *Building permit.* A building permit may be obtained only for the development in accordance with the approved plot plan.
('80 Code, § 1131.03) (Ord. 101-90, passed 11-19-90; Am. Ord. 88-98, passed 11-2-98; Am. Ord. 117-03, passed 1-20-04)

§ 153.237 ADMINISTRATIVE REVIEW TEAM.

The Administrative Review Team shall be created and carry out the responsibilities as provided in § 153.066 within the Bridge Street Corridor districts and § 153.042 within the Innovation Districts.
(Ord. 19-12, passed 4-23-12)

§ 153.238 (RESERVED)

§ 153.239 FEES FOR CONDITIONAL USES, VARIANCES, AND SPECIAL PERMITS.

(A) *Fees for conditional uses and variances.* All fees shall be consistent with the fee schedule as amended by Am. Ord. 122-94.

(B) *Fees for variances and special permits.* A fee as set forth from time to time by ordinance shall be paid to the municipality for each application for a variance or special permit to cover the necessary administrative and advertising costs.
('80 Code, §§ 1129.06, 1129.08) (Ord. 21-70, passed 7-13-70; Am. Ord. 101-90, passed 11-19-90; Am. Ord. 88-98, passed 11-2-98)

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.

§ 153.999 PENALTY.

(A) In the event any violation of this chapter is committed, for which no specific penalty is otherwise provided, the owner or owners of the building or premises upon which the violation has been committed, any architect, builder or contractor who assists in the commission of such violation and any person, firm or corporation who violates or assists in the violation of any of the provisions of this chapter or who fails to comply herewith or with any requirement hereof, who builds in violation of any statement, plan, submitted and approved hereunder, or whoever constructs, reconstructs, alters, or modifies any exterior architectural feature, site, or sign now or hereafter in the Historic District, in violation of this chapter shall, for each and every violation for noncompliance, be guilty of a minor misdemeanor. Each day during which a violation or noncompliance occurs shall constitute a separate offense. ('80 Code, §§ 1123.99, 1183.04(e), 1191.99) (Ord. 45-89, passed 6-19-89; Ord. 25-93, passed 9-13-93)

(B) Non-permitted demolition of sites, structures, or objects subject to Architectural Review Board. In cases where a violation has occurred that resulted in the non-permitted demolition, partial demolition, or irreparable alteration of historic sites, structures, or objects for which a Board Order of the Architectural Review Board is required, the convicted person shall be guilty of a fourth-degree misdemeanor and subject to a mandatory minimum fine of \$250, which shall not be suspended, for each offense.

(C) Anyone who operates a helicopter, or allows operation of a helicopter in violation of the provisions of § 153.094 shall, upon conviction, pay a fine of not more than \$500 for each violation.

(D) Violation of §§ 153.140 - 153.147 shall constitute a fourth degree misdemeanor punishable per day per occurrence. Nothing herein shall prevent the City from taking such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations. A separate and distinct violation shall be deemed to have occurred for each protected tree unlawfully removed and/or not replaced in violation of any of the sections aforesaid.

('80 Code, § 1184.05(f)) (Ord. 101-90, passed 11-19-90; Am. Ord. 95-96, passed 10-5-98; Am. Ord. 23-22, passed 6-13-22)

[Appendix A begins on Page 323]

Acquisition and Disposal of Real Property

14MMM

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
39-21	8-16-21	Acquiring certain property located at 7322 Riverside Drive, identified as Franklin County Parcel Number 273-008665-00 from John P. DeMatteo and Marlene G. DeMatteo.
40-21	8-16-21	Acquiring certain property located at 7402 Riverside Drive, identified as Franklin County Parcel Number 273-008717-00 from Courtnee L. Haugen and Joseph C. Haugen.
41-21	8-16-21	Acquiring certain property located at 7364 Riverside Drive, identified as Franklin County Parcel Number 273-008662-00 from Donald Tootle.
58-21	9-27-21	Authorizing the City Manager to enter into a real estate purchase agreement for certain property owned by Mitchell E. and Kimberly S. Haaf located at 6191 Cosgray Road in Franklin County.
80-21	11-15-21	Authorizing the City Manager to enter into a real estate purchase agreement for certain property owned by Shepherd Land Holding Co. in Franklin County and Madison County.
93-21	12-6-21	Acquiring certain property located at 7230 Riverside Drive, identified as Franklin County Parcel Number 273-008730-00 from Donna I. Brown.

Dublin - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
91-21	1-10-22	Acquiring certain property located at 7250 Riverside Drive, identified as Franklin County Parcel Number 273-008411-00 from Hamdy A. Helal and Azza A. Elmorsy.
92-21	1-10-22	Acquiring certain property located at 7410 Riverside Drive, identified as Franklin County Parcel Number 273-008663-00 from Billy Gene Laney.
11-22	4-11-22	Acquiring certain property located on Riverside Drive, identified as Franklin County Parcel Number 273-008396-00 from Thomas A. McDowell.
18-22	5-9-22	Authorizing the City Manager to enter into a real estate purchase agreement for certain property owned by Orr Family LP.
25-22	6-27-22	Acquiring certain property located on Shawan Falls Drive, identified as Franklin County Parcel Number 273-000797-00 from OhioHealth Corporation.
26-22	6-27-22	Acquiring certain property located on Shawan Falls Drive, identified as Franklin County Parcel Numbers 273-000785-00 and 273-000786-00 from 220 W. Bridge St., LLC.
27-22	6-27-22	Acquiring certain property located on Shawan Falls Drive, identified as Franklin County Parcel Number 273-002485-00 from Biscar Properties, LLC.

Agreements

16GGGGGG

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
Res. 01-22	1-24-22	Authorizing the City Manager to enter into an agreement with Rev1 Ventures.
Res. 02-22	2-14-22	Authorizing the City Manager to enter into contracts with Precise Pile Driving, Inc.
Res. 04-22	2-14-22	Authorizing the City Manager to enter into an agreement with ODOT.
Res. 07-22	2-28-22	Authorizing the City Manager to enter into contracts with Elite Excavating Co. of Ohio, Inc.
15-22	4-25-22	Authorizing the City Manager to enter into an infrastructure agreement with Mount Carmel Health System.
24-22	6-27-22	Authorizing the City Manager to enter into an infrastructure agreement with EG Retail (America) LLC.

Zoning Map Changes

72SS

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
14-21	4-26-21	Rezoning two parcels, 5555 and 5565 Perimeter Drive from SO, Suburban Office and Institutional District to PUD, Planned Unit Development District, containing approximately 4.44 acres (Case 21-015Z/PDP)
15-21	4-26-21	Rezoning two parcels, 6077 and 6101 Avery Road from SO, Suburban Office and Institutional District and from NC, Neighborhood Commercial District (Washington Township) to TF, Technology Flex District, approximately 1.26 acres (Case 21-020Z)
70-21	11-8-21	Rezoning one parcel and one partial parcel, both city-owned, from R-1, Restricted Suburban Residential District to SO, Suburban Office and Institutional District to establish the Wright Way Corporate Park, totaling approximately 9.02-acres located northeast of Emerald Parkway and Riverside Drive Intersection (Case 21-101Z).
82-21	12-6-21	Rezoning approximately 42.5 acres from R, Rural District to PUD, Planned Unit Development District for development of 102 single-family lots with 12.4 acres of open space and associated site improvements on the east side of Hyland-Croy Road, north of the intersection with Post Road (Case 21-117Z/PDP).

Dublin - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
87-21	12-6-21	Rezoning 27 parcels from Community Commercial District (CC), Suburban Office and Institutional District (SO), and Planned Unit Development District (PUD) to Mixed Use Regional 4 District (MUR-4) (Case 21-087Z).
02-22	3-21-22	Rezoning the Shoppes at River Ridge including two parcels from BSD-C, Bridge Street District - Commercial District, to BSD-SRN, Bridge Street District - Scioto River Neighborhood District; and zoning one parcel, formerly right-of-way, BSD-SRN, Bridge Street District - Scioto River Neighborhood District, totaling 14.02 acres located southeast of the Riverside Drive and S.R. 161 Roundabout (Case 21-189Z).
13-22	4-25-22	Rezoning +/- 35 acres from R-1, Restricted Suburban Residential District to PUD, Planned Unit Development District, Mount Carmel Hospital Northwest to accommodate up to 314,520 sf of development in two phases consisting of an inpatient hospital, ambulatory care facility, and medical offices. The site is located northwest of the intersection of Sawmill Road and I-270 (Case 22-001Z/PDP).

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
67-18	10-22-18	Providing for the issuance and sale of bonds in the maximum principal amount of \$1,350,000 for the purpose of paying the costs of improving the municipal sanitary sewer system by lining existing sewer lines, installing new sewer lines and rehabilitating manholes.
68-18	10-22-18	Providing for the issuance and sale of bonds in the maximum principal amount of \$1,750,000 for the purpose of paying the costs of constructing Riverside Crossing Park, including pedestrian plazas on both the east and west sides of the park.
04-20	2-10-20	Providing for the issuance and sale of bonds in the maximum principal amount of \$20,000,000 for the purpose of paying the costs of improving the municipal parks and recreation system by (A) constructing the Riverside Crossing Park and (B) reconstructing, renovating, rehabilitating, equipping and furnishing the Dublin Community Pool North Complex.
05-20	2-10-20	Providing for the issuance and sale of bonds in the maximum principal amount of \$6,000,000 for the purpose of paying the costs of improving the municipal sanitary sewer system by extending certain existing sewer lines, and installing a new pump station and force main.

Dublin - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
31-21	7-26-21	Providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$19,750,000 for the purpose of paying the costs of refunding bonds previously issued by the city for the purpose of paying the costs of various public infrastructure projects.
32-21	7-26-21	Providing for the issuance and sale of bonds in the maximum principal amount of \$1,500,000 for the purpose of paying the costs of improving the municipal sanitary sewer system by extending certain sewer lines, repairing and lining certain existing sewer lines, and installing associated manholes and service laterals, together with all incidental work and related appurtenances thereto.
05-22	3-21-22	Providing for the issuance and sale of bonds in the maximum principal amount of \$3,460,000 for the purpose of paying the costs of improving the municipal sanitary sewer system by extending certain sewer lines, repairing and lining certain existing sewer lines, reducing inflow and infiltration, and installing new sewer lines, new force mains, a lift station and a pump station, together with all incidental work and related appurtenances thereto.
06-22	3-21-22	Providing for the issuance and sale of bonds in the maximum principal amount of \$2,725,000 for the purpose of paying the costs of

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
06-22 (Cont'd)		improving the municipal waterworks system by upgrading the existing Tartan West Booster Station, adding a water quality monitoring unit to the Post Road Booster Station, replacing water lines and installing water line extensions, together with all incidental work and related appurtenances thereto.
07-22	3-21-22	Providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$2,850,000 for the purpose of paying the costs of refunding bonds previously issued by the city for the purpose of paying the costs of various public infrastructure projects.
08-22	3-21-22	Providing for the issuance and sale of bonds in the maximum principal amount of \$5,700,000 for the purpose of improving the municipal parks and recreation system by paying a portion of the costs of constructing the Riverside Crossing Park, together with all incidental work and related appurtenances thereto.

References to Ordinances

50SS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
62-21	10-11-21	T.S.O. V
63-21	10-11-21	T.S.O. V
64-21	10-25-21	T.S.O. V
65-21	10-25-21	T.S.O. V
66-21	10-25-21	T.S.O. V
67-21	10-25-21	T.S.O. V
70-21	11-8-21	T.S.O. X
71-21	11-8-21	T.S.O. V
72-21	11-8-21	34.02, 34.08
74-21	11-15-21	35.80 - 35.84
76-21	11-15-21	51.64, 52.06
80-21	11-15-21	T.S.O. I
81-21	11-15-21	140.01 - 140.08
82-21	12-6-21	T.S.O. X
83-21	12-6-21	T.S.O. II
84-21	12-6-21	30.02
85-21	12-6-21	T.S.O. V
86-21	12-6-21	153.045 - 153.048
87-21	12-6-21	T.S.O. X
90-21	12-6-21	31.07, 31.08
91-21	1-10-22	T.S.O. I
92-21	1-10-22	T.S.O. I
93-21	12-6-21	T.S.O. I
02-22	3-21-22	T.S.O. X
05-22	3-21-22	T.S.O. XI
06-22	3-21-22	T.S.O. XI
07-22	3-21-22	T.S.O. XI
08-22	3-21-22	T.S.O. XI
09-22	3-21-22	Adopting Ordinance
10-22	4-11-22	153.158
11-22	4-11-22	T.S.O. I
13-22	4-25-22	T.S.O. X
15-22	4-25-22	T.S.O. II
16-22	5-9-22	30.02
18-22	5-9-22	T.S.O. I
23-22	6-13-22	153.999
24-22	6-27-22	T.S.O. II
25-22	6-27-22	T.S.O. I
26-22	6-27-22	T.S.O. I
27-22	6-27-22	T.S.O. I

<i>Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
26-21	5-10-21	T.S.O. II
27-21	5-10-21	T.S.O. II
29-21	5-24-21	T.S.O. II
30-21	5-24-21	T.S.O. IV
31-21	5-24-21	T.S.O. IV
32-21	5-24-21	T.S.O. II
33-21	5-24-21	T.S.O. II
35-21	6-14-21	T.S.O. II
36-21	6-14-21	T.S.O. II
37-21	6-28-21	T.S.O. II
38-21	6-28-21	T.S.O. II
39-21	6-28-21	T.S.O. II
40-21	6-28-21	T.S.O. II
41-21	6-28-21	T.S.O. II
42-21	6-28-21	T.S.O. II
43-21	7-26-21	T.S.O. II
44-21	7-26-21	T.S.O. II
45-21	7-26-21	T.S.O. II
46-21	7-26-21	T.S.O. II
48-21	8-16-21	T.S.O. II
49-21	8-16-21	T.S.O. II
51-21	8-30-21	T.S.O. II
54-21	9-27-21	T.S.O. II
55-21	9-27-21	T.S.O. II
56-21	9-27-21	T.S.O. II
57-21	10-11-21	T.S.O. II
59-21	10-25-21	T.S.O. IV
60-21	10-25-21	T.S.O. IV
62-21	11-8-21	T.S.O. II
63-21	11-8-21	T.S.O. IV
64-21	11-8-21	T.S.O. IV
65-21	11-8-21	30.03
66-21	11-8-21	T.S.O. II
68-21	11-15-21	T.S.O. II
69-21	11-15-21	T.S.O. II
70-21	11-15-21	T.S.O. II
71-21	11-15-21	T.S.O. II
72-21	11-15-21	32.95 - 32.106
73-21	12-6-21	T.S.O. IV
75-21	12-6-21	T.S.O. II
01-22	1-24-22	T.S.O. II
02-22	2-14-22	T.S.O. II
04-22	2-14-22	T.S.O. II
07-22	2-28-22	T.S.O. II

