

**CITY OF XENIA, OHIO
ORDINANCE 2019 – 22**

**AMENDING CHAPTER 678. AND SECTIONS 448.03, 618.11, AND 1062.03, AND REPEALING
CHAPTER 604. AND ITS RELATED PROVISIONS, OF THE CITY OF XENIA CODIFIED
ORDINANCES TO COMPLY WITH OHIO REVISED CODE SECTION 9.68**

WHEREAS, the Ohio General Assembly enacted HB 228 in 2018, which mandates that ORC 9.68 supersedes and declares nulls and void any ordinance of any municipality that regulates the ownership, possession, purchase, acquisition, transportation, storage, carrying, selling, transferring, manufacturing or keeping of any firearm, part of a firearm, its components, and its ammunition;

WHEREAS, ORC 9.68 is scheduled to take effect on December 28, 2019, and thus this Council must update the language of certain provisions of the Codified Ordinances of the City to be in compliance with that ORC section; and

WHEREAS, this Council also finds and determines that the constitutionality of ORC 9.68 has been put to question, specifically regarding the State’s preemption of the powers of home rule granted by the State Constitution to charter municipalities, by a declaratory judgment action filed by the City of Columbus against the State of Ohio, but that no ruling has yet been issued in that case and ORC 9.68 must be followed until and unless declared unconstitutional by the courts.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. Section 448.03 of the Codified Ordinances of the City of Xenia, as contained in Part Four – Traffic Code, Title Six: Operation and Vehicles, Chapter 448: Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles, is hereby amended, as shown in the attached Exhibit A.

Section 2. Chapter 604 of the Codified Ordinances of the City of Xenia, as contained in Part Six – General Offenses, and the following related provisions, 606.01, 606.05(i), 606.07(e), 608.145(a), 608.17(a), 612.01, 612.07(a), 618.01, 620.02, 622.02, 624.01, 630.01, 636.001, 636.19(a), 636.21(a)(1), 636.21(b)(1), 636.21(d)(1), 636.24(d), 648.04(f), 648.06(d), 648.10(a), 648.11(a), 648.12(a), 648.13(a), 660.03(a), 660.08(a)(1), 666.01, 666.06(b), 666.08(c), 666.085(b), and 698.01, all as shown in the attached Exhibit B, are hereby repealed in their entirety.

Section 3. Section 618.11 of the Codified Ordinances of the City of Xenia, as contained in Part Six – General Offenses, Chapter 618: Animals, is hereby amended as shown in the attached Exhibit C.

Section 4. Section 678.09 of the Codified Ordinances of the City of Xenia is hereby amended and renumbered as Section 678.01, Section 678.13 of the Codified Ordinances of the City of Xenia is hereby amended and renumbered as 678.02, and Section 678.10 of the Codified Ordinances of the City of Xenia is hereby amended and renumbered as Section 678.03, all as contained in Part Six – General Offenses, Chapter 678: Weapons and Explosives, as shown in the attached Exhibit D.

Section 5. Sections 678.09, 678.10, 678.13 and 678.14 are hereby repealed in their entirety.

Section 6. Section 1062.03 of the Codified Ordinances of the City of Xenia, as contained in Part Ten – Streets, Utilities and Public Services Code, Title Six: Other Public Service, Chapter 1062: Parks, is hereby amended as shown in the attached Exhibit E.

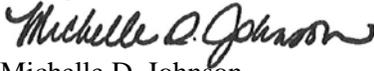
Section 7. Existing Sections 448.03, 618.11, 678.01, and 1062.03 are hereby repealed.

Section 8. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. This Ordinance shall be effective on December 26, 2019.

Introduced: November 14, 2019
Adopted: November 26, 2019

Attest:


Michelle D. Johnson
City Clerk


Michael D. Engle
President, Xenia City Council

448.03 PROHIBITIONS ON USE CODE APPLICATION; PROHIBITED OPERATION.

(a) **Prohibitions on Use:** The applicable provisions of this Traffic Code **apply** ~~shall be applied~~ to the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles, except that no **person shall operate a** snowmobile, off-highway motorcycle, or all-purpose vehicle ~~shall be operated~~ as follows:

- (1) On any street, highway, **including a** limited access highway or freeway or the right-of-way thereof, except for emergency travel only during such time and in such manner as the ~~Ohio~~ Director of Public Safety ~~or local authority having jurisdiction shall designate, and except as provided in § 448.04;~~
- (2) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
- (3) On any land or waters controlled by the state, except at those locations where a sign has been posted permitting such operation;
- (4) On the tracks or right-of-way of any operating railroad;
- ~~(5) While transporting any firearm, bow or other implement for hunting that is not unloaded and securely encased;~~
- (5)** ~~(6)~~ For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or
- (6)** ~~(7)~~ During the time from sunset to sunrise, unless displaying lighted lights as required by **Section 448.02 of this Traffic Code** ~~Ohio R.C. 4519.20 or a substantially equivalent municipal ordinance.~~

(b) **Penalties:** Whoever violates this section shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), ~~or~~ imprisoned not less than three (3) nor more than thirty (30) days, or both.

(ORC 4519.40)

CHAPTER 604: DEFINITIONS

~~604.01 DEFINITIONS~~

~~For the purpose of these Codified Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—**1.3G FIREWORKS.** Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.3” in Title 49 of the Code of Federal Regulations.~~

~~—**1.4G FIREWORKS.** Consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.4” in Title 49 of the Code of Federal Regulations.~~

~~—**ACTIVE DUTY SERVICE MEMBER.** Any member of the armed forces of the United States performing active duty under Title 10 of the United States Code.~~

~~—**ADMINISTER.** The direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.~~

~~—**ADULTERATE.** To cause a drug to be adulterated as described in Ohio R.C. 3715.63.~~

~~—**AGE VERIFICATION.** A service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is 18 years of age or older.~~

~~—**AGGRESSIVE MANNER.** Shall mean as follows:~~

~~— (1) Before, during, or after attempting to engage in panhandling, any behavior that would cause a reasonable person to feel alarmed, intimidated, threatened, restrained, menaced, harassed, or coerced including but not limited to the use of any verbal threats, threatening gestures, abusive language, obscene gestures or obscene language, or screaming and other unreasonable noises;~~

~~— (2) Before, during, or after attempting to engage in panhandling, blocking the passage of any person or vehicle that impedes the entrance into, or the exit out, of any vehicle, building, business, or establishment, or impedes the person’s activities in the vehicle, building, business, or establishment;~~

~~— (3) Any further attempt to solicit for panhandling after a person has given a negative response, verbally or physically, to a solicitation for panhandling that such solicitation should stop, or that it is unwelcome or offensive;~~

~~— (4) Before, during, or after attempting to engage in panhandling, having any physical contact with the person that is being solicited by the person panhandling and/or touching or having physical contact with the clothing, purse, or other personal property of the person being solicited by the person panhandling without a statement or other communication that the person being solicited consents to the physical contact and/or touching of the person and/or the person’s clothing, purse, or other personal property;~~

~~— (5) Before, during, or after attempting to engage in panhandling, following behind, ahead, or alongside the person that is being solicited;~~

~~— (6) Any further attempt to solicit for panhandling after the owner or occupant of private property requests that the person cease all solicitation for panhandling, or upon the request of the owner or occupant of the private property for the person panhandling to leave the property;~~

~~— (7) Any type of panhandling which interferes or disrupts any activity or event occurring on public property, as defined in this section;~~

~~— (8) By coming within three feet of the person solicited after that person has indicated that he or she does not wish to make a donation;~~

~~— (9) By following a person who walks or drives away from the solicitor;~~

~~— (10) By making unreasonable noise or offensively coarse utterance, gesture, or display or communicating unwarranted or grossly abusive language, either during the solicitation or following a refusal; or~~

~~— (11) By panhandling in a group of two or more persons.~~

~~— **AGRICULTURAL WASTE.** Any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land-clearing waste; buildings; garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.~~

~~— **ALCOHOL.** Ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. The term does not include denatured alcohol and wood alcohol.~~

~~— **ALIEN REGISTRATION NUMBER.** The number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".~~

~~— **ALTERNATIVE NICOTINE PRODUCT.**~~

~~— (1) Subject to division (2) of this definition, an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.~~

~~— A. Any cigarette or other tobacco product;~~

~~— B. Any product that is a **DRUG** as that term is defined in 21 U.S.C. § 321(g)(1);~~

~~— C. Any product that is a **DEVICE** as that term is defined in 21 U.S.C. § 321(h);~~

~~— D. Any product that is a **COMBINATION PRODUCT** as described in 21 U.S.C. § 353(g).~~

~~— **AMERICAN BULLDOG.** American Bulldog, as used herein includes, but is not limited to, any American bulldog or old country bulldog, or any mixed breed of dog which contains, as an element of its breeding, the breed of American bulldog or old country bulldog as to be identifiable as partially of the breed of American Bulldog or old country bulldog.~~

~~— **ANHYDROUS AMMONIA.** A compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described below. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). **ANHYDROUS AMMONIA** by weight is 14 parts nitrogen to three parts hydrogen, which is approximately 82 percent nitrogen to 18 percent hydrogen.~~

~~— **ANOTHER'S UNBORN** or **OTHER PERSON'S UNBORN.** A member of the species *Homo sapiens* who is or was carried in the womb of another during a period that begins with fertilization and that continues unless and until live birth occurs.~~

~~— **APARTMENT.** The portion of a dwelling, consisting of one or more rooms, arranged to be occupied as a separate unit.~~

~~— **ARCHIVAL INSTITUTION.** Any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts, or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.~~

~~— **ASSISTANCE DOG.** Has the same meaning as in Ohio R.C. 955.011.~~

~~— **AT RETAIL.** For use or consumption by the purchaser and not for resale.~~

~~— **AUDIOVISUAL RECORDING FUNCTION.** The capability of a device to record or transmit a motion picture or any part of a motion picture by means of any technology existing on, or developed after, 3-9-2004.~~

~~— **AUDIOVISUAL RECORDING FUNCTION AND FACILITY.** Have the same meaning as in Ohio R.C. 2913.07.~~

~~— **AUTHORIZED RECIPIENT OF TOBACCO PRODUCTS.** A person who is:~~

~~— A. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;~~

~~— B. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;~~

~~— C. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;~~

~~— D. An operator of a customs bonded warehouse under 19 U.S.C. § 1311 or 19 U.S.C. § 1555;~~

~~— E. An officer, employee or agent of the federal government or of this state acting in the person's official capacity;~~

~~— F. A department, agency, instrumentality or political subdivision of the federal government or of this state; and~~

~~— G. A person having a consent for consumer shipment issued by the Tax Commissioner under Ohio R.C. 5743.71.~~

~~— **AUTOMATED TELLER MACHINE.** A bank or other financial institution's machine that is able to carry out financial transactions, including, but not limited to cash withdrawals, deposits, transfers, and other financial transactions or inquiries.~~

~~— **AUTOMATIC FIREARM.** Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.~~

~~— **BALLISTIC KNIFE.** A knife with a detachable blade that is propelled by a spring operated mechanism.~~

~~— **BEER.**~~

~~— (1) Includes all beverages brewed or fermented wholly or in part from malt products and containing 0.5 percent or more of alcohol by volume.~~

~~— (2) Beer, regardless of the percent of alcohol by volume, is not intoxicating liquor for purposes of this code, the Ohio Revised Code, or any rules adopted under it.~~

~~— **BEER** and **INTOXICATING LIQUOR.** Have the same meaning as in Ohio R.C. 4301.01.~~

~~— **BET.** The hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.~~

~~— **BENZODIAZEPINE.** A controlled substance that has United States Food and Drug Administration approved labeling indicating that it is a benzodiazepine, benzodiazepine derivative, triazolobenzodiazepine, or triazolobenzodiazepine derivative, including the following drugs and their varying salt forms or chemical congeners: alprazolam, chlordiazepoxide hydrochloride, clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam hydrochloride, lorazepam, midazolam, oxazepam, quazepam, temazepam, and triazolam.~~

~~— **BINGO.** Either of the following:~~

~~— (1) A game with all of the following characteristics:~~

~~— A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into 25 spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space;~~

~~— B. The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator;~~

~~— C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains 75 objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the 75 possible combinations of a letter and a number that can appear on the bingo cards or sheets;~~

~~— D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers, as described in subsection (1)C. of this definition, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card or sheet being used by the participant; or~~

~~— (2) Instant bingo, punch boards and raffles.~~

~~— **BINGO GAME OPERATOR.** Any person, except security personnel, who performs work or labor at the site of bingo including but not limited to collecting money from participants, handing out bingo cards~~

~~or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.~~

~~—**BINGO SESSION.** A period that includes both of the following:~~

~~— (1) Not to exceed five continuous hours for the conduct of one or more games described in subsection (1) of the definition of bingo in this section, instant bingo and seal cards; and~~

~~— (2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in subsection (1) of this definition.~~

~~—**BINGO SUPPLIES.** Bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are **BINGO SUPPLIES** are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter or Ohio R.C. Chapter 2915. For purposes of this chapter, **BINGO SUPPLIES** are not to be considered equipment used to conduct a bingo game.~~

~~—**BOOBY TRAP.** A small tube that has a string protruding from both ends that has a friction-sensitive composition and that is ignited by pulling the ends of the string.~~

~~—**BOOKMAKING.** The business of receiving or paying off bets.~~

~~—**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 controlled substance analogs, marijuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (2) or (5) 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 phenethylamine;~~

~~— 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; or~~

~~— (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.~~

~~— **BUSINESS.** Any privately owned or operated retail establishment, including service stations, restaurants and places of a similar nature, and any place of amusement or entertainment to which the public or certain members thereof are invited.~~

~~— **CABLE OPERATOR.** Any person or group of persons that does either of the following:~~

~~— (1) Provides cable service over a cable system and directly through one or more affiliates owns a significant interest in that cable system; or~~

~~— (2) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.~~

~~— **CABLE SERVICE.** Any of the following:~~

~~— (1) The one way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;~~

~~— (2) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in subsection (1) of this definition; or~~

~~— (3) Any cable television service.~~

~~— **CABLE SYSTEM.** Any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. **CABLE SYSTEM** does not include any of the following:~~

~~— (1) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;~~

~~— (2) Any facility that serves subscribers without using any public right of way;~~

~~— (3) Any facility of a common carrier that, under 47 U.S.C. 522(7)(e), is excluded from the term **CABLE SYSTEM** as defined in 47 U.S.C. 522(7);~~

~~— (4) Any open video system that complies with 47 U.S.C. 573; or~~

~~— (5) Any facility of any electric utility used solely for operating its electric utility system.~~

~~— **CABLE TELEVISION SERVICE.** Any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.~~

~~— **CAMPAIGN COMMITTEE, CONTRIBUTION, LEGISLATIVE CAMPAIGN FUND, POLITICAL ACTION COMMITTEE, POLITICAL CONTRIBUTING ENTITY, and POLITICAL PARTY.** Have the same meanings as in Ohio R.C. 3517.01.~~

~~— **CANARY DOG.** Canary Dog, as used herein includes, but is not limited to, any canary dog or Perro de Presa Canario, or mixed breed of dog which contains, as an element of its breeding, the breed of canary dog or Perro de Presa Canario as to be identifiable as partially of the breed canary dog or Perro de Presa Canario.~~

~~— **CARD HOLDER.** Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent or employee.~~

~~— **CARETAKER.** A person who assumes the duty to provide for the care and protection of a functionally impaired person on a voluntary basis, by contract, through receipt of payment for care and protection, as a result of a family relationship or by order of a court of competent jurisdiction. **CARETAKER** does not~~

include a person who owns, operates or administers, or who is an agent or employee of, a care facility, as defined in Ohio R.C. 2903.33.

~~—**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.~~

~~—**CHAMBER OF COMMERCE.** Any organization of individuals, professionals, and businesses that has the purpose to advance the commercial, financial, industrial and civic interests of the community and that is, and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under IRC 501(a) and described in IRC 501(e)(6).~~

~~—**CHARITABLE BINGO GAME.** Any bingo game described in subsections (1) or (2) of the definition of bingo in this section that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.~~

~~—**CHARITABLE INSTANT BINGO ORGANIZATION.** An organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(e)(3) and is a charitable organization as defined in this section. A **CHARITABLE INSTANT BINGO ORGANIZATION** does not include a charitable organization that is exempt from federal income taxation under IRC 501(a) and described in IRC 501(e)(3) and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to Ohio R.C. 2915.13, or any substantially equivalent municipal ordinance.~~

~~—**CHARITABLE ORGANIZATION.**~~

~~— (1) Except as otherwise provided in this chapter, **CHARITABLE ORGANIZATION** means either of the following:~~

~~— A. An organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(e)(3);~~

~~— B. A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC §§ 501(e)(4), 501(e)(7), 501(e)(8), 501(e)(10) or 501(e)(19).~~

~~— (2) To qualify as a charitable organization, an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided in Ohio R.C. 2915.02(D), or a substantially equivalent municipal ordinance.~~

~~—**CHARITABLE PURPOSE.** The net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:~~

~~— (1) Any organization that is described in IRC 509(a)(1), 509(a)(2), or 509(a)(3) and is either a governmental unit or an organization that is tax exempt under IRC 501(a) and described in IRC 501(e)(3);~~

~~— (2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least 75 percent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), is used for awarding scholarships to or for attendance at an institution mentioned in that division of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;~~

~~— (3) A fraternal organization that has been in continuous existence in this state for 15 years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for~~

~~the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under IRC 170; or~~

~~— (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of volunteer firefighter's organization in this section.~~

~~— **CHAUFFEURED LIMOUSINE.** A vehicle registered under Ohio R.C. 4503.24.~~

~~— **CHILD.** Has the same meaning as in Ohio R.C. 2151.011.~~

~~— **CIDER.** All liquids that are fit to use for beverage purposes that contain 0.5 percent of alcohol by volume, but not more than six percent of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling or carbonated cider and cider made from pure condensed apple must.~~

~~— **CIGARETTE.** Includes clove cigarettes and hand rolled cigarettes.~~

~~— **CIGARETTE LOAD.** A small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.~~

~~— **CITIZENS' REWARD PROGRAM.** Has the same meaning as in Ohio R.C. 9.92.~~

~~— **CITY COUNCIL.** The City Council of the City of Xenia, Ohio.~~

~~— **CLUB.** A corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for such purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.~~

~~— **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; and/or~~

~~— (3) A salt, compound, derivative, or preparation of a substance identified in subsection (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.~~

~~— **COIN MACHINE.** Any mechanical or electronic device designed to do both of the following:~~

~~— (1) Receive a coin or bill or token made for that purpose; and~~

~~— (2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service or grant a license.~~

~~— **COMMISSION.** The Community Relations Commission of the City of Xenia, Ohio.~~

~~— **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.** 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; has the same meaning as in Ohio R.C. 2925.01.~~

~~— **COMMUNITY ACTION AGENCY.** Has the same meaning as in Ohio R.C. 122.66.~~

~~— **COMMUNITY FACILITY.** Either of the following:~~

~~— (1) Any convention, sports or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to Ohio R.C. 351.02; or~~

~~— (2) An area designated as a community entertainment district pursuant to Ohio R.C. 4301.80.~~

~~—**COMPUTER CONTAMINANT.**—~~ A computer program that is designed to modify, damage, destroy, disable, deny or degrade access to, allow unauthorized access to, functionally impair, record, or transmit information within a computer, computer system, or computer network without the express or implied consent of the owner or other person authorized to give consent and that is of a type or kind described in subsections (1) through (4) of this definition or of a type or kind similar to a type or kind described in subsections (1) through (4) of this definition:

~~— (1) A group of computer programs commonly known as “viruses” and “worms” that are self-replicating or self-propagating and that are designed to contaminate other computer programs, compromise computer security, consume computer resources, modify, destroy, record, or transmit data, or disrupt the normal operation of the computer, computer system or computer network;~~

~~— (2) A group of computer programs commonly known as “Trojans” or “Trojan horses” that are not self-replicating or self-propagating and that are designed to compromise computer security, consume computer resources, modify, destroy, record, or transmit data, or disrupt the normal operation of the computer, computer system or computer network;~~

~~— (3) A group of computer programs commonly known as “zombies” that are designed to use a computer without the knowledge and consent of the owner, or other person authorized to give consent, and that are designed to send large quantities of data to a targeted computer network for the purpose of degrading the targeted computer’s or network’s performance, or denying access through the network to the targeted computer or network, resulting in what is commonly known as “denial of service” or “distributed denial of service” attacks; and~~

~~— (4) A group of computer programs commonly known as “trap doors,” “back doors,” or “root kits” that are designed to bypass standard authentication software and that are designed to allow access or use of a computer without the knowledge or consent of the owner or other person authorized to give consent.~~

~~—**COMPUTER HACKING.**~~

~~— (1) Any of the following:~~

~~— A. Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime;~~

~~— B. Misusing computer or network services including but not limited to mail transfer programs, file transfer programs, proxy servers and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this subsection, **MISUSE OF COMPUTER AND NETWORK SERVICES** includes but is not limited to the unauthorized use of any of the following:~~

~~— 1. Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network;~~

~~— 2. File transfer program services or proxy servers to access other computers, computer systems, or computer networks; or~~

~~— 3. Web servers to redirect users to other web pages or web servers.~~

~~— C. 1. Subject to subsection (1)C.2. of this definition, using a group of computer programs commonly known as “port scanners” or “probes” to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this subsection includes but is not limited to those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network’s facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including but not limited to operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.~~

~~— 2. The group of computer programs referred to in subsection (1)C.1. of this definition does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including but not limited to domain name services, mail transfer services, and other operating system services, computer programs commonly called “ping,” “tepdump,” and “traceroute” and other network monitoring and management computer software, and computer programs commonly known as “nslookup” and “whois” and other systems administration computer software; or~~

~~— D. The intentional use of a computer, computer system, or a computer network in a manner that exceeds any right or permission granted by the owner of the computer, computer system, or computer network or other person authorized to give consent.~~

~~— (2) **COMPUTER HACKING** does not include the introduction of a computer contaminant, as defined in this section, into a computer, computer system, computer program, or computer network.~~

~~— **COMPUTER PROGRAM.** An ordered set of data representing coded instructions or statements that, when executed by a computer, causes the computer to process data.~~

~~— **COMPUTER SERVICES.** Includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.~~

~~— **CONCEALED HANDGUN LICENSE** or **LICENSE TO CARRY A CONCEALED HANDGUN.**~~

~~— (1) Means, subject to subsection (2) of this definition, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or Ohio R.C. 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.~~

~~— (2) A reference in any provision of this Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of this Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of this Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.~~

~~— **CONCERT.** A musical performance of which the primary component is a presentation by persons singing or playing musical instruments, that is intended by its sponsors mainly, but not necessarily exclusively, for the listening enjoyment of the audience, and that is held in a facility. A **CONCERT** does not include any performance in which music is a part of the presentation and the primary component of which is acting, dancing, a motion picture, a demonstration of skills or talent other than singing or playing an instrument, an athletic event, an exhibition or a speech.~~

~~— **CONDUCT.** To back, promote, organize, manage, carry on, sponsor or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.~~

~~— **CONSTRUCTION SITE.** Any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing buildings is taking place.~~

~~— **CONTRABAND.** Any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property’s involvement in an offense. **CONTRABAND** includes, but is not limited to, all of the following:~~

~~— (1) Any controlled substance, as defined in Ohio R.C. 3719.01, or any device or paraphernalia related thereto;~~

~~— (2) Any unlawful gambling device or paraphernalia;~~

~~— (3) Any dangerous ordinance or obscene material.~~

~~— **CONTROLLED ACCESS ALCOHOL AND BEVERAGE CABINET.** A closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means~~

~~of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages or food may be sold.~~

~~—**CONTROLLED SUBSTANCE.** A drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV or V of Ohio R.C. 3719.41; has the same meaning as in Ohio R.C. 3719.01.~~

~~—**CONTROLLED SUBSTANCE ANALOG.**~~

~~—(1) The phrase means, except as provided in subsection (2) of this definition, a substance to which both of the following apply:~~

~~—A. The chemical structure of the substance is substantially similar to the structure of a controlled substance in Schedule I or II.~~

~~—B. One of the following applies regarding the substance:~~

~~—1. The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.~~

~~—2. With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.~~

~~—(2) The phrase does not include any of the following:~~

~~—A. A controlled substance;~~

~~—B. Any substance for which there is an approved new drug application;~~

~~—C. With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption;~~

~~—D. Any substance to the extent it is not intended for human consumption before the exemption described in subsection (2)C. of this definition takes effect with respect to that substance.~~

~~—(3) Except as otherwise provided in Ohio R.C. 2925.03 or Ohio R.C. 2925.11, a **CONTROLLED SUBSTANCE ANALOG**, to the extent intended for human consumption, shall be treated for purposes of any provision of this Code or the Ohio Revised Code as a controlled substance in Schedule I.~~

~~—**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; or~~

~~—(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.~~

~~—**COUNTERFEIT TELECOMMUNICATIONS DEVICE.** A telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured or programmed to acquire, intercept, receive or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. The phrase includes but is not limited to a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.~~

~~—**CREATE A SUBSTANTIAL RISK OF SERIOUS PHYSICAL HARM TO ANY PERSON.** Includes the creation of a substantial risk of serious physical harm to any emergency' personnel.~~

~~—**CREDIT CARD.** Includes, but is not limited to, a card, code, device, or other means of access to a customer's account for the purpose of obtaining money, property, labor or services on credit, or for initiating an electronic fund transfer at a point of sale terminal, an automated teller machine, or a cash dispensing machine. It also includes a county procurement card issued under Ohio R.C. 301.29.~~

~~—**CRIMINAL GANG ACTIVITY.** The commission, the attempt to commit, conspiracy to commit, or solicitation of another person to commit, criminal acts by, on behalf of, at the direction of, or in association with, a criminal street gang.~~

~~—**CRIMINAL STREET GANG.** Any organization or association, or a group of three or more persons, whether formal or informal, whose members knowingly form an allegiance for a common purpose and, individually or collectively, engage in, authorize, command or perform acts injurious to public health or pervert or obstruct justice or the due administration of laws.~~

~~—**CRIMINAL STREET GANG MEMBER.** A person who engages in a pattern of criminal gang activity and who meets two or more of the following criteria:~~

~~— (1) The person admits engaging in criminal conduct;~~

~~— (2) The person actively devotes a meaningful amount of time and effort to the activities of a criminal street gang;~~

~~— (3) The person is a child who is identified as a member of a criminal street gang by the child's parent, guardian or custodian;~~

~~— (4) The person is identified as a member of a criminal street gang by a documented and reliable informant;~~

~~— (5) The person is identified as a member of a criminal street gang by an informant of previously untested reliability and the identification is corroborated by at least one independent individual or other independent information, and the person has been found three or more times in the company of persons who are known to law enforcement officers as members of a criminal street gang;~~

~~— (6) The person has been arrested more than once in the company of at least two identified members of a criminal street gang for offenses described in subsection (b) of this section; and/or~~

~~— (7) The person is identified as a member of a criminal street gang by physical evidence, including, but not limited to, photographs or other documentation.~~

~~—**CULPABILITY.** Purpose, knowledge, recklessness, or negligence, as defined in ORC 2901.22.~~

~~—**CULTIVATE.** Includes planting, watering, fertilizing or tilling.~~

~~—**DANGEROUS DOG** is a dog that, without provocation, and subject to the following sentence, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while that dog is off the premises of its owner, keeper or harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top. **DANGEROUS DOG** does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist law enforcement officers in the performance of their official duties.~~

~~—**DANGEROUS DRUG.** Has the same meaning as in ORC 4729.01.~~

~~—**DANGEROUS OFFENDER.** A person who has committed an offense, whose history, character and condition reveal a substantial risk that he or she will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive or aggressive behavior with heedless indifference to the consequences.~~

~~—**DANGEROUS ORDNANCE.**~~

~~— (1) Any of the following, except as provided in subsection (2) of this definition:~~

~~— A. Any automatic or sawed off firearm, zip gun, or ballistic knife;~~

~~— B. Any explosive device or incendiary device;~~

~~— C. Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, peeretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance~~

~~having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;~~

~~— D. Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;~~

~~— E. Any firearm muffler or suppressor; or~~

~~— F. Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.~~

~~— (2) **DANGEROUS ORDNANCE** does not include any of the following:~~

~~— A. Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;~~

~~— B. Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;~~

~~— C. Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;~~

~~— D. Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (2)C. of this definition during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small arms or small arms ammunition;~~

~~— E. Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece; or~~

~~— F. Any device that is expressly excepted from the definition of a destructive device pursuant to the Gun Control Act of 1968, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that Act.~~

~~— **DATA.** A representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system, or computer network; has the same meaning as in Ohio R.C. 2913.01.~~

~~— **DEADLY FORCE.** Any force that carries a substantial risk that it will proximately result in the death of any person.~~

~~— **DEADLY WEAPON.** Any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.~~

~~— **DEAL OF INSTANT BINGO TICKETS.** A single game of instant bingo tickets all with the same serial number.~~

~~— **DECEPTION.** To knowingly deceive another or cause another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind or other objective or subjective fact.~~

~~— **DEFRAUD.** To knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.~~

~~— **DEPRIVE.** To do any of the following:~~

~~— (1) To withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;~~

~~— (2) To dispose of property so as to make it unlikely that the owner will recover it; or~~

~~— (3) To accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.~~

~~—**DETENTION.** Arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of Ohio R.C. 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401 or 2945.402; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this subsection, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity pursuant to a contract entered into under Ohio R.C. 311.29(E) or Ohio R.C. 5149.03(B). For a person confined in a county jail who participates in a county jail industry program pursuant to Ohio R.C. 5147.30, **DETENTION** includes time spent at an assigned work site and going to and from the work site.~~

~~—**DETENTION FACILITY.** Any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or an unruly child in this state or another state or under the laws of the United States.~~

~~—**DISABLED ADULT.** A person who is 18 years of age or older and has some impairment of body or mind that makes the person unable to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least 12 months without any present indication of recovery from the impairment, or who is 18 years of age or older and has been certified as permanently and totally disabled by an agency of this state or the United States that has the function of so classifying persons.~~

~~—**DISCHARGE SITE.** An area immediately surrounding the mortars used to fire aerial shells.~~

~~—**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.~~

~~—**DISCRIMINATION.** Any difference in treatment, based on race, color, religion, sex, familial status, national origin, disability, age, ancestry or HIV positive status, except that it shall not be discrimination for any religious or denominational institution to devote its facilities exclusively or primarily to or for members of its own religion or denomination or to give preference to members of such institution to promote the religious principles for which it is established or maintained. **DISCRIMINATION** includes segregation and separation.~~

~~—**DISPENSE.** To sell, leave with, give away, dispose of, or deliver.~~

~~—**DISTRIBUTE.** To deal in, ship, transport or deliver, but does not include administering or dispensing a drug; to furnish, give or provide cigarettes, other tobacco products or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products or papers used to roll cigarettes.~~

~~—**DISTRIBUTOR.** Any person who purchases or obtains bingo supplies and who does either of the following:~~

~~— (1) Sells, offers for sale or otherwise provides or offers to provide the bingo supplies to another person for use in this state; or~~

~~— (2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.~~

~~—**DRIVE OR RIDE AIMLESSLY.** To drive or ride in a motor vehicle, motorcycle or bicycle in a circuitous route, or to joy ride.~~

~~—**DRUG.** Any of the following:~~

~~— (1) Any article recognized in the official *United States Pharmacopeia*, *National Formulary*, or any supplement intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;~~

~~— (2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;~~

~~— (3) Any article, other than food, intended to affect the structure or any function of the body of humans or other animals; or~~

~~— (4) Any article intended for use as a component of any article specified in subsection (1), (2), or (3) above; but does not include devices or their components, parts or accessories.~~

~~— **DRUG ABUSE OFFENSE.** Any of the following:~~

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

~~— (2) A violation of an existing or former law of any municipality, state, or of the United States, that is substantially equivalent to any section listed in subsection (1) of this definition;~~

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

~~— (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection (1), (2), or (3) of this definition; or~~

~~— (5) Has the same meaning as in Ohio R.C. 2925.01.~~

~~— **DRUG DEPENDENT PERSON.** Any person who, by reason of the use of any drug of abuse, is physically and/or psychologically dependent upon the use of such drug to the detriment of the person's health or welfare.~~

~~— **DRUG OF ABUSE.** Any controlled substance, any harmful intoxicant, and any dangerous drug, as defined in this section.~~

~~— **DWELLING.** Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence, by one or more families, consisting of one or more persons, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.~~

~~— **ECONOMIC POISONS.** Include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.~~

~~— **ELDERLY PERSON.** A person who is 65 years of age or older.~~

~~— **ELECTRONIC BINGO AID.**~~

~~— (1) An electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:~~

~~— A. It provides a means for a participant to input numbers and letters announced by a bingo caller.~~

~~— B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.~~

~~— C. It identifies a winning bingo pattern.~~

~~— (2) Does not include any device into which a coin, currency, token or an equivalent is inserted to activate play.~~

~~— **ELECTRONIC CIGARETTE.**~~

~~— (1) Subject to division (2) of this definition, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.~~

~~— (2) The phrase does not include any item, product, or device described in division (2) of the definition for **ALTERNATIVE NICOTINE PRODUCT** in this section.~~

~~— **ELECTRONIC FUND TRANSFER.** Has the same meaning as in 92 Stat. 3728, 15 U.S.C. 1693a, as amended.~~

~~— **EMERGENCY BURNING.** The burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:~~

- ~~— (1) A tornado.~~
- ~~— (2) High winds.~~
- ~~— (3) An earthquake.~~
- ~~— (4) An explosion.~~
- ~~— (5) A flood.~~
- ~~— (6) A hail storm, a rain storm, or an ice storm.~~
- ~~— **EMERGENCY FACILITY.** Has the same meaning as in Ohio R.C. 2909.04.~~
- ~~— **EMERGENCY FACILITY PERSON** is the singular of **EMERGENCY FACILITY PERSONNEL** as defined in Ohio R.C. 2909.04.~~
- ~~— **EMERGENCY MEDICAL SERVICES PERSON** is the singular of **EMERGENCY MEDICAL SERVICES PERSONNEL** as defined in Ohio R.C. 2133.21.~~
- ~~— **EMERGENCY PERSONNEL.** Any of the following persons:~~
 - ~~— (1) A peace officer, as defined in Ohio R.C. 2935.01;~~
 - ~~— (2) A member of a fire department or other firefighting agency of a municipal corporation, township, township fire district, joint fire district, other political subdivision or combination of political subdivisions;~~
 - ~~— (3) A member of a private fire company, as defined in Ohio R.C. 9.60, or a volunteer firefighter;~~
 - ~~— (4) A member of a joint ambulance district or joint emergency medical services district;~~
 - ~~— (5) An emergency medical technician basic, emergency medical technician intermediate, emergency medical technician paramedic, ambulance operator or other member of an emergency medical service that is owned or operated by a political subdivision or a private entity;~~
 - ~~— (6) The State Fire Marshal, the Chief Deputy State Fire Marshal or an Assistant State Fire Marshal;~~
 - ~~or~~
 - ~~— (7) A fire prevention officer of a political subdivision or an arson, fire, or similar investigator of a political subdivision.~~
- ~~— **EMPLOYEE.** Any person who is employed by an employer in consideration of direct or indirect monetary wages or profit.~~
- ~~— **EMPLOYER.** Any person who employs the services of an individual person; the state, any political subdivision of the state, any person employing four or more persons within the state, and any person acting, directly or indirectly, in the interest of an employer.~~
- ~~— **ENCLOSED AREA.** An area closed in by a roof and four walls, with appropriate openings for ingress and egress, and does not mean an area commonly described as a public lobby or hall.~~
- ~~— **EXOTIC ANIMAL.** Mammals and reptiles which are not indigenous to the 50 states or the District of Columbia.~~
- ~~— **EXPENSES.** The reasonable amount of gross profit actually expended for all of the following:~~
 - ~~— (1) The purchase or lease of bingo supplies;~~
 - ~~— (2) The annual license fee required under Ohio R.C. 2915.08;~~
 - ~~— (3) Bank fees and service charges for a bingo session or game account described in Ohio R.C. 2915.10;~~
 - ~~— (4) Audits and accounting services;~~
 - ~~— (5) Safes;~~
 - ~~— (6) Cash registers;~~
 - ~~— (7) Hiring security personnel;~~
 - ~~— (8) Advertising bingo;~~
 - ~~— (9) Renting premises in which to conduct a bingo session;~~
 - ~~— (10) Tables and chairs;~~
 - ~~— (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern or canteen and any grounds attached to the post home, club house, lounge, tavern or canteen; and~~
 - ~~— (12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;~~

~~— (13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under Ohio R.C. 2915.08(B)(1).~~

~~(EDITOR’S NOTE: *EXPENSES* is also specifically defined in § 630.12(d)(3) as used in that subsection.)~~

~~— **EXPLOSIVE.** Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. “Explosive” includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. “Explosives” does not include “fireworks,” as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80 and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.~~

~~— **EXPLOSIVE DEVICE.** Any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. **EXPLOSIVE DEVICE** includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.~~

~~— **FACILITY.** Any structure that has a roof or partial roof and that has walls that wholly surround the area on all sides, including, but not limited to, a stadium, hall, arena, armory, auditorium, ballroom, exhibition hall, convention center or music hall; a movie theater.~~

~~— **FAIR MARKET VALUE.** Has the same meaning as in Ohio R.C. 2913.61; the money consideration which a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.~~

~~— **FALSE OR MISLEADING REPRESENTATIONS.** Shall mean as follows:~~

~~— (1) Making statements or representing, either verbally or in writing, that the person panhandling suffers from a medical condition, mental or physical disability, or deformity when the person does not suffer from a medical condition, mental or physical disability, or deformity;~~

~~— (2) Making statements or representing, either verbally or in writing, that the person panhandling has a minor child or other family member they are supporting who suffers from a medical condition, mental or physical disability, or deformity, when in fact that child or other family member does not suffer from a medical condition, mental or physical disability, or deformity and/or the person panhandling does not support that minor child or other family member;~~

~~— (3) Making statements or representing, either verbally or in writing, that the person panhandling is a military veteran or active duty military member, when the person is not a military veteran or active duty military member;~~

~~— (4) Making statements or representing, either verbally or in writing, that the person panhandling needs a donation to meet a specific need, when the person panhandling does not have the specific need and/or that person already has sufficient funds to meet that need and does not disclose that the person already has sufficient funds;~~

~~— (5) Making statements or representing, either verbally or in writing, that the person panhandling is unemployed when the person panhandling is not unemployed; or~~

~~— (6) Making statements or representing, either verbally or in writing that the person panhandling is homeless and/or is stranded when in fact the person is not homeless or stranded.~~

~~— **FAMILIAL STATUS.** Either of the following:~~

~~— (1) One or more individuals who are under 18 years of age and who are domiciled with a parent or guardian having legal custody of the individual or individuals, or who are domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian; or~~

~~— (2) Any person who is pregnant or in the process of securing legal custody of any individual who is under 18 years of age.~~

~~— **FEDERAL DRUG ABUSE CONTROL LAWS.** The Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801 *et seq.*, as amended.~~

~~— **FEDERALLY LICENSED FIREARMS DEALER.** Has the same meaning as in Ohio R.C. 5502.63.~~

~~— **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.~~

~~— **FIREARM.**~~

~~— (1) Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. **FIREARM** includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.~~

~~— (2) When determining whether a **FIREARM** is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.~~

~~— **FIREARM** and **DANGEROUS ORDNANCE.** Have the same meaning as in Ohio R.C. 2923.11.~~

~~— **FIREWORKS.** Any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in Ohio R.C. 3743.80.~~

~~— **FIREWORKS INCIDENT.** Any action or omission that occurs at a fireworks exhibition that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:~~

~~— (1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials; or~~

~~— (2) The failure of any person to comply with any applicable requirement imposed by this section or Ohio R.C. Chapter 3743, or any applicable rule adopted under this section or Ohio R.C. Chapter 3743.~~

~~— **FIREWORKS INCIDENT SITE.** A discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.~~

~~— **FIREWORKS PLANT.** All buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.~~

~~— **FORCE.** Any violence, compulsion or constraint physically exerted by any means upon or against a person or thing.~~

~~— **FORGE.** To fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.~~

~~— **FRATERNAL ORGANIZATION.** Any society, order, state headquarters or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.~~

~~— **FULL GROSS PROFIT.** The amount by which the total receipts of all instant bingo tickets, if the deal has been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.~~

~~— **FUNCTIONALLY IMPAIRED PERSON.** Any person who has a physical or mental impairment that prevents the person from providing for his or her own care or protection or whose infirmities caused by aging prevent the person from providing for his or her own care or protection.~~

~~— **GAIN ACCESS.** To approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network, or any cable service or cable system both as defined in Ohio R.C. 2913.04.~~

~~— **GAMBLING DEVICE.** Any of the following:~~

~~— (1) A book, totalizer or other equipment used for recording bets;~~

— (2) A ticket, token or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

— (3) A deck of cards, dice, gaming table, roulette wheel, slot machine or other apparatus designed for use in connection with a game of chance;

— (4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes; or

— (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter or Ohio R.C. Chapter 2915.

— **GAMBLING OFFENSE.** Any of the following:

— (1) A violation of Ohio R.C. 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11;

— (2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any section listed in subsection (1) of this definition or a violation of Ohio R.C. 2915.06 as it existed prior to 7-1-1996;

— (3) An offense under an existing or former municipal ordinance or law of this or any other state or of the United States, of which gambling is an element; or

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

— **GAME FLARE.** The board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

— (1) The name of the game;

— (2) The manufacturer's name or distinctive logo;

— (3) The form number;

— (4) The ticket count;

— (5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;

— (6) The cost per play; and

— (7) The serial number of the game.

— **GAME OF CHANCE.** Poker, craps, roulette or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

— **GAME OF CHANCE CONDUCTED FOR PROFIT.** Any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

— **GARBAGE.** Any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

— **GROSS ANNUAL REVENUES.** The annual gross receipts derived from the conduct of bingo described in subsection (1) of the definition of bingo in this section plus the annual net profit derived from the conduct of bingo described in subsection (2) of the definition of bingo in this section.

— **GROSS PROFIT.** Gross receipts minus the amount actually expended for the payment of prize awards.

— **GROSS RECEIPTS.** All money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. **GROSS RECEIPTS** does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

— (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo;

— (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage; and

— (3) The food and beverages are sold at customary and reasonable prices.

— **HANDGUN.** Any of the following:

— (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand; or

~~—(2) Any combination of parts from which a firearm of a type described in subsection (1) of this definition can be assembled.~~

~~—**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; or~~

~~—(3) 1,4 Butanediol.~~

~~—**HARMFUL TO JUVENILES.** That quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement or sado-masochistic abuse in any form to which all of the following apply:~~

~~—(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex;~~

~~—(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles; and~~

~~—(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.~~

~~—**HASHISH.** The resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract or liquid distillate form.~~

~~—**HIGHWAY.** Any public street, road, alley, way, lane or other public thoroughfare.~~

~~—**HISTORIC RAILROAD.** All or a portion of the tracks and right of way of a railroad that was owned and operated by a for profit common carrier in this state at any time prior to 1-1-1950.~~

~~—**HOTEL.** The same meaning as in Ohio R.C. 3731.01, subject to the exceptions mentioned in Ohio R.C. 3731.03.~~

~~—**HOUSING ACCOMMODATIONS.** Any building or structure, or any portion of a building or structure, that is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence, dwelling, dwelling unit or sleeping place of one or more individuals, groups or families, whether or not living independently of each other, and any vacant land offered for sale or lease. **HOUSING ACCOMMODATIONS** also includes any housing accommodations held or offered for sale or rent, by a real estate broker, salesperson or agent, by any other person pursuant to authorization of the owner, by the owner or by the owner's legal representative.~~

~~—**HYPODERMIC.** A hypodermic syringe or needle, or other instrument or device for the injection of medication.~~

~~—**IDENTIFICATION CARD.** An identification card issued under Ohio R.C. 4507.50 to 4507.52.~~

~~—**INCENDIARY DEVICE.** Any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agent and a means to ignite it.~~

~~—**INFORMATION SERVICE.**~~

~~—(1) Subject to subsection (2) of this definition, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing or making available information via telecommunications, including but not limited to electronic publishing.~~

~~—(2) **INFORMATION SERVICE** does not include any use of a capability of a type described in subsection (1) of this definition for the management, control, or operation of a telecommunications~~

~~system or the management of a telecommunications service; has the same meaning as in Ohio R.C. 2913.01.~~

~~**INSTANT BINGO.** A form of bingo that shall use folded or banded tickets or paper cards with perforated break open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. In all **INSTANT BINGO** the prize amount and structure shall be predetermined. The term does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.~~

~~**INSTANT BINGO TICKET DISPENSER.** A mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:~~

- ~~— (1) It is activated upon the insertion of United States currency;~~
- ~~— (2) It performs no gaming functions;~~
- ~~— (3) It does not contain a video display monitor or generate noise;~~
- ~~— (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations;~~
- ~~— (5) It does not simulate or display rolling or spinning reels;~~
- ~~— (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or non-winning ticket or card and requires a winning ticket or card to be paid by a bingo game operator;~~
- ~~— (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses; and~~
- ~~— (8) It is not part of an electronic network and is not interactive.~~

~~**INTERNET.** Has the same meaning as in Ohio R.C. 341.42.~~

~~**INTOXICATING LIQUOR** and **LIQUOR.** All liquids and compounds, other than beer, containing 0.5 percent or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented.~~

~~**INTOXICATING LIQUOR** and **LIQUOR** include cider and alcohol, and all solids and confections which contain one half of one percent or more of alcohol by volume.~~

~~**INTOXICATION.** Includes but is not limited to intoxication resulting from the ingestion of alcohol, a drug, or alcohol and a drug.~~

~~**INVOLUNTARY ACTS.** Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition are involuntary acts.~~

~~**IRC** or **INTERNAL REVENUE CODE.** The Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1 *et seq.*, as now or hereafter amended.~~

~~**JUNK.** Discarded articles of all kinds, which reasonably appear to be discarded and/or appear to have no intrinsic value.~~

~~**JUVENILE.** A person under 18 years of age; any unmarried person under 18 years of age.~~

~~**LABOR ORGANIZATION.** Any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances and/or terms or conditions of employment, or for other mutual aid or protection in relation to employment.~~

~~**LABORATORY.** A laboratory approved by the State Board of Pharmacy as proper to be entrusted with the custody of controlled substances and the use of controlled substances for scientific and clinical purposes and for purposes of instruction.~~

~~**LAND CLEARING WASTE.** Plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. **LAND CLEARING WASTE** also includes the plant waste material generated during the clearing of land for new agricultural development.~~

~~—**LANDSCAPE WASTE.** Any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.~~

~~—**LAW ENFORCEMENT AGENCY.** Includes correctional institutions~~

~~—**LAW ENFORCEMENT OFFICER.** Any of the following:~~

~~— (1) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or state highway patrol trooper;~~

~~— (2) An officer, agent or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of such statutory duty and authority;~~

~~— (3) The Mayor, in a capacity as chief conservator of the peace within the municipality;~~

~~— (4) A member of an auxiliary police force organized by the county, township or municipal law enforcement authorities, within the scope of the member's appointment or commission;~~

~~— (5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;~~

~~— (6) A person appointed by a Mayor pursuant to Ohio R.C. 737.01 as a special patrolling officer during a riot or emergency, for the purposes and during the time when the person is appointed;~~

~~— (7) A member of the organized militia of this state or the Armed Forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;~~

~~— (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer or municipal prosecutor;~~

~~— (9) A veterans' home police officer appointed under Ohio R.C. 5907.02;~~

~~— (10) A member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y);~~

~~— (11) A special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28;~~

~~— (12) The House of Representatives Sergeant at Arms if the House of Representatives Sergeant at Arms has arrest authority pursuant to Ohio R.C. 101.311(E)(1) and an Assistant House of Representatives Sergeant at Arms;~~

~~— (13) The Senate Sergeant at Arms and an Assistant Senate Sergeant at Arms; or~~

~~— (14) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the United States Department of Transportation as provided in 49 C.F.R. Parts 1542 and 1544, as amended.~~

~~—**LAWFUL PRESCRIPTION.** A prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.~~

~~—**LAWFULLY ISSUED.** Adopted, issued or rendered in accordance with the United States Constitution, the constitution of a state, and the applicable statutes, rules, regulations and ordinances of the United States, a state and the political subdivisions of a state.~~

~~—**LICENSED BUILDING.** A building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the Building Official having jurisdiction.~~

~~—**LICENSED EXHIBITOR OF FIREWORKS** or **LICENSED EXHIBITOR.** A person licensed pursuant to Ohio R.C. 3743.50 through 3743.55.~~

~~—**LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS** or **PRESCRIBER.** An individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:~~

~~— (1) A dentist licensed under ORC Chapter 4715;~~

~~— (2) A clinical nurse specialist, certified nurse midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under ORC Chapter 4723;~~

~~— (3) Optometrist licensed under ORC Chapter 4725 to practice optometry under a therapeutic pharmaceutical agents certificate;~~

~~— (4) A physician authorized under ORC Chapter 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; and~~

~~— (5) A physician assistant who holds a license to practice as a physician assistant issued under ORC Chapter 4730, holds a valid prescriber number issued by the Ohio Medical Board, and has been granted physician delegated prescriptive authority.~~

~~— (6) A veterinarian licensed under ORC Chapter 4741.~~

~~— **LICENSED MANUFACTURER OF FIREWORKS** or **LICENSED MANUFACTURER.** A person licensed pursuant to ORC 3743.02 through 3743.08.~~

~~— **LICENSED PREMISES.** The real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.~~

~~— **LICENSED WHOLESALER OF FIREWORKS** or **LICENSED WHOLESALER.** A person licensed pursuant to ORC 3743.15 through 3743.21.~~

~~— **LITTER.** Garbage, refuse, rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.~~

~~— **LIVE ENTERTAINMENT PERFORMANCE.** Any live speech; any live musical performance, including a concert; any live dramatic performance; any live variety show; and any other live performance with respect to which the primary intent of the audience can be construed to be viewing the performers. A **LIVE ENTERTAINMENT PERFORMANCE** does not include any form of entertainment with respect to which the person purchasing a ticket routinely participates in amusements as well as views performers.~~

~~— **LIVESTOCK** or **FARM ANIMALS.** Includes but not limited to horses, ponies, sheep, bulls, bullocks, cows, mules, donkeys, jacks, jennets, burros, goats, swine and any animals formally found in the wild state which are being kept for exhibition purposes or as private pets.~~

~~— **LOITER.** To idle, loaf, linger or wander or stroll aimlessly.~~

~~— **LOW ALCOHOL BEVERAGE.** Any brewed or fermented malt product or any product made from the fermented juices of grapes, fruits, or other agricultural products that contains either no alcohol or less than 0.5 percent of alcohol by volume. The beverages described in this definition do not include a soft drink such as root beer, birch beer or ginger beer.~~

~~— **L.S.D.** Lysergic acid diethylamide.~~

~~— **MAJOR DRUG OFFENDER.** Has the same meaning as in ORC 2929.01.~~

~~— **MANDATORY PRISON TERM.** Has the same meaning as in ORC 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; all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing or in any other manner.~~

~~— **MANUFACTURER.** A person who manufactures a controlled substance, as manufacture is defined by this section; any person engaged in the business of manufacturing beer or intoxicating liquor; any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.~~

~~— **MANUFACTURING OF FIREWORKS.** The making of fireworks from raw materials, none of which in and of themselves constitute fireworks, or the processing of fireworks.~~

~~— **MARIHUANA.** All parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. **MARIHUANA** does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of~~

~~the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant that is incapable of germination. **MARIHUANA** does not include hashish.~~

~~—**MATERIAL.** Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, video cassette, laser disc, phonograph record, cassette tape, compact disc or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.~~

~~—**MENACING FASHION.** A dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.~~

~~—**MENTAL HEALTH CLIENT OR PATIENT.** Has the same meaning as in ORC 2305.51.~~

~~—**MENTAL HEALTH PROFESSIONAL.** Has the same meaning as in ORC 2305.115.~~

~~—**MERCHANDISE PRIZE.** Any item of value, but shall not include any of the following:~~

- ~~— (1) Cash, gift cards, or any equivalent thereof;~~
- ~~— (2) Plays on games of chance, State lottery tickets, bingo, or instant bingo;~~
- ~~— (3) Firearms, tobacco, or alcoholic beverages; or~~
- ~~— (4) A redeemable voucher that is redeemable for any of the items listed in subsection (1), (2), or (3) of this definition.~~

~~—**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.** Any person under the age of 18 years.~~

~~—**MINOR DRUG POSSESSION OFFENSE.** Either of the following:~~

- ~~— (1) A violation of Ohio R.C. 2925.11 as it existed prior to 7-1-1996, or a substantially equivalent municipal ordinance; or~~
- ~~— (2) A violation of Ohio R.C. 2925.11 as it exists on and after 7-1-1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.~~

~~—**MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR.** The phrase does not include any of the following:~~

- ~~— (1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;~~
- ~~— (2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.~~

~~—**MIXED BEVERAGES.** Includes 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 0.5 percent of alcohol by volume and not more than 21 percent of alcohol by volume.~~

~~—**MOTOR CARRIER.** Has the same meaning as in Ohio R.C. 4923.01.~~

~~—**MOTOR VEHICLE.** Has the same meaning as in Ohio R.C. 4501.01; any self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle. The term includes, without limitation, automobile, truck, bus, recreational vehicle and motorcycle.~~

~~—**MOTOR VEHICLE, STREET and HIGHWAY.** Have the same meaning as in Ohio R.C. 4511.01.~~

~~—**MUSEUM.** Any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.~~

~~—**MUSIC FESTIVAL.** 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.~~

~~—**NET PROFIT.** Gross profit minus expenses.~~

~~—**NET PROFIT FROM THE PROCEEDS OF THE SALE OF INSTANT BINGO.** Gross profit minus the ordinary, necessary and reasonable expense expended for the purchase of instant bingo supplies, and,~~

~~in the case of instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo is conducted.~~

~~—**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.~~

~~—**NOT GUILTY BY REASON OF INSANITY.** A person is **NOT GUILTY BY REASON OF INSANITY** relative to a charge of an offense only if the person proves, in the manner specified in Ohio R.C. 2901.05, that at the time of the commission of the offense, he or she did not know, as a result of a severe mental disease or defect, the wrongfulness of his or her acts.~~

~~—**NOVELTIES and TRICK NOISEMAKERS.**~~

~~— (1) Devices that produce a small report intended to surprise the user, including but not limited to booby traps, cigarette loads, party poppers, and snappers;~~

~~— (2) Snakes or glow worms;~~

~~— (3) Smoke devices; and~~

~~— (4) Trick matches.~~

~~—**NUDITY.** The showing, representation, or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.~~

~~—**NUISANCE PARTY.** A social gathering or party which is conducted on premises within the city and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the said party or social gathering, or on neighboring public or private property: disorderly conduct; illegal open container; outdoor urination or defecation in a public place; unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing of beer or intoxicating liquor to an underage person; possession or consumption of beer or intoxicating liquor by an underage person; illegal use of a controlled substance; public indecency; unlawful deposit of litter or refuse; the damage or destruction of property without the consent of the property owner; unlawful pedestrian or vehicular traffic; standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise; or any other conduct or condition that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public nuisance.~~

~~—**OBSCENE.** When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is **OBSCENE** if any of the following apply:~~

~~— (1) Its dominant appeal is to prurient interest;~~

~~— (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way that tends to represent human beings as mere objects of sexual appetite;~~

~~— (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;~~

~~— (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;~~

~~or~~

~~— (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.~~

~~—**OCCUPIED STRUCTURE.** Any house, building, outbuilding, watercraft, aircraft, railroad car, truck, trailer, tent, or other structure, vehicle, or shelter, or any portion thereof, to which any of the following applies:~~

~~— (1) It is maintained as a permanent or temporary dwelling, even though it is temporarily unoccupied and whether or not any person is actually present;~~

~~— (2) At the time, it is occupied as the permanent or temporary habitation of any person, whether or not any person is actually present;~~

~~— (3) At the time, it is specially adapted for the overnight accommodation of any person, whether or not any person is actually present; or~~

~~— (4) At the time, any person is present or likely to be present in it.~~

~~—**OFFENSE IS DIRECTLY RELATED TO THE MISCONDUCT IN OFFICE OF A PUBLIC SERVANT.** The phrase includes, but is not limited to, a violation of ORC 101.71, 101.91, 121.61 or 2921.13, 102.03(F) or (H), 2921.02(A), 2921.43(A) or (B), or 3517.13(F) or (G), that is directly related to an offense involving misconduct in office of a public servant, or a violation of any municipal ordinance substantially equivalent to those Ohio Revised Code sections listed in this definition.~~

~~—**OFFENSE OF VIOLENCE.**~~

~~— (1) A violation of ORC 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 2923.161, of division (A)(1) of ORC 2903.34, of division (A)(1), (2) or (3) of ORC 2911.12, or of division (B)(1), (2), (3) or (4) of ORC 2919.22, or felonious sexual penetration in violation of former ORC 2907.12;~~

~~— (2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States, substantially equivalent to any section, division or offense listed in subsection (1) of this definition;~~

~~— (3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or of the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons; or~~

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

~~—**OFFICE WORKPLACE.** Any enclosed area of a structure or portion thereof intended for occupancy by personnel who provide primarily clerical, writing, computer operation, professional or business services.~~

~~—**OFFICIAL PROCEEDING.** Any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.~~

~~—**OFFICIAL WRITTEN ORDER.** An order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by federal law.~~

~~—**OHIO EPA.** The Ohio Environmental Protection Agency Director or agencies delegated authority by the Director of the Ohio Environmental Protection Agency pursuant to Ohio R.C. 3704.03 or the chief of any Ohio Environmental Protection Agency district office.~~

~~—**OPEN BURNING.** The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. **OPEN BURNING** includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of OAC 3745-17-09 or 3745-17-10.~~

~~—**OPERATOR.** Any individual, firm, association, partnership or corporation operating, managing or conducting any business, and, as applied to associations or partnerships, includes the members or partners thereof, and, as applied to corporations, includes the officers thereof.~~

~~—**OPIOID ANALGESIC.** A controlled substance that has analgesic pharmacologic activity at the opioid receptors of the central nervous system, including the following drugs and their varying salt forms or chemical congeners: buprenorphine, butorphanol, codeine (including acetaminophen and other combination products), dihydrocodeine, fentanyl, hydrocodone (including acetaminophen combination products), hydromorphone, meperidine, methadone, morphine sulfate, oxycodone (including acetaminophen, aspirin, and other combination products), oxymorphone, tapentadol, and tramadol.~~

~~—**ORCHESTRAL PERFORMANCE.** A concert comprised of a group of not fewer than 40 musicians playing various musical instruments.~~

~~—**OUTDOOR MOTORSPORTS FACILITY.** An outdoor racetrack to which all of the following apply:~~

~~— (1) It is 2.4 miles or more in length.~~

~~— (2) It is located on 200 acres or more of land.~~

~~— (3) The primary business of the owner of the facility is the hosting and promoting of racing events.~~

~~— (4) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.~~

~~—**OUTDOOR PERFORMING ARTS CENTER.** An outdoor performing arts center that is located on not less than 800 acres of land and that is open for performances from the first day of April to the last day of October of each year.~~

~~—**OWNER** means any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog and shall also include the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.~~

~~—**PANHANDLING.** To request verbally, in writing, or by gesture or other actions, money, items of value, a donation, or other personal financial assistance. Further, **PANHANDLING** shall include any request for a person to purchase an item for an amount that a reasonable person would consider to be in excess of its value.~~

~~—**PARENT.** Any natural parent, guardian or any adult person over 21 years of age responsible for the care and custody of a minor.~~

~~—**PARK.** Reservations, playgrounds, beaches, recreation centers or other public areas in the city owned or used by the city and devoted to active or passive recreation.~~

~~—**PARTICIPANT.** Any person who plays bingo.~~

~~—**PARTY OFFICIAL.** Any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which he or she directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.~~

~~—**PARTY POPPER.** A small plastic or paper item that contains not more than 16 milligrams of friction-sensitive explosive composition that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.~~

~~—**PEACE OFFICER.** Has the same meaning as in Ohio R.C. 2921.51 and 2935.01.~~

~~—**PERFORMANCE.** Any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.~~

~~—**PERSON.**~~

~~— (1) A. Subject to subsection (2) of this definition, as used in any section contained in this General Offenses Code that sets forth a criminal offense, **PERSON** includes all of the following:~~

~~— 1. An individual, corporation, business trust, estate, trust, partnership and association; and~~

~~— 2. An unborn human who is viable.~~

~~— B. As used in any section contained in this General Offenses Code that does not set forth a criminal offense, **PERSON** includes an individual, corporation, business trust, estate, partnership and association.~~

~~— C. As used in subsection (1)A.2. of this definition, **UNBORN HUMAN** means an individual organism of the species *Homo sapiens* from fertilization until live birth. **VIABLE** means the stage of development of a human fetus at which there is a realistic probability of maintaining and nourishing of a life outside the womb with or without temporary artificial life sustaining support.~~

~~— (2) Notwithstanding subsection (1)A. of this definition, in no case shall the portion of the definition of the term **PERSON** that is set forth in subsection (1)A.2. of this definition be applied or construed in~~

any section contained in this General Offenses Code that sets forth a criminal offense in any of the following manners:

~~— A. Except as otherwise provided in subsection (2)A. of this definition, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21 or 2903.22, or any substantially equivalent municipal ordinance, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence but that does violate Ohio R.C. 2919.12, 2919.13(B), 2919.151, 2919.17 or 2919.18, or any substantially equivalent municipal ordinance, may be punished as a violation of such section, as applicable. Consent is sufficient under this subsection if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with Ohio R.C. 2919.12.~~

~~— B. In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:~~

~~— 1. Her delivery of a stillborn baby;~~

~~— 2. Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;~~

~~— 3. Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;~~

~~— 4. Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human; or~~

~~— 5. Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other psychological illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.~~

~~— **PERSON WITH A DEVELOPMENTAL DISABILITY.** Has the same meaning as in Ohio R.C. 2905.32.~~

~~— **PHARMACIST.** A person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.~~

~~— **PHARMACY.** Except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing, where the practice of pharmacy is conducted; an establishment as defined in Ohio R.C. 4729.01, that is under the management or control of a licensed pharmacist in accordance with Ohio R.C. 4729.27.~~

~~— **PHYSICAL HARM TO PERSONS.** Any injury, illness or other physiological impairment, regardless of its gravity or duration.~~

~~— **PHYSICAL HARM TO PROPERTY.** Any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. **PHYSICAL HARM TO PROPERTY** does not include wear and tear occasioned by normal use.~~

~~— **PIT BULL TERRIER.** Pit bull terrier, as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog, which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as practically of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.~~

~~— **PLACE OF PUBLIC ACCOMMODATION.** Any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store or other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities or privileges are available to the public.~~

~~—**POLICE DOG.** A dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties.~~

~~—**POLICE DOG OR HORSE.** Has the same meaning as in Ohio R.C. 2921.321.~~

~~—**POLITICAL SUBDIVISION.** Has the same meaning as in Ohio R.C. 2744.01.~~

~~—**POLITICAL SUBDIVISIONS.** Municipal corporations, townships, counties, school districts and all other bodies corporate and politic that are organized under state law and are responsible for governmental activities only in geographical areas smaller than that of a state.~~

~~—**POLYGRAPH EXAMINATION.** Any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question an individual for the purpose of determining the individual's truthfulness.~~

~~—**POOL NOT CONDUCTED FOR PROFIT.** A scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.~~

~~—**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.~~

~~—**POSSESSION.** A voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control of the thing possessed for a sufficient time to have ended possession.~~

~~—**POULTRY.** All domesticated fowl and all game birds that are being held in captivity.~~

~~—**PRESCRIPTION.** Means all of the following:~~

~~— (1) A written, electronic or oral order for drugs or combination or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.~~

~~— (2) For purposes of ORC 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid related overdose.~~

~~— (3) For purposes of ORC 4723.4810, 4729.282, 4730.432, and 4731.93, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user.~~

~~— (4) For purposes of ORC 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp.~~

~~— (5) For purposes of ORC Chapter 3728 and R.C. §§ 4723.483, 4729.88, 4730.433, and 4731.96, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in ORC 3728.01.~~

~~—**PRESUMPTION FOR A PRISON TERM or PRESUMPTION THAT A PRISON TERM SHALL BE IMPOSED.** A presumption as described in ORC 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 ORC 2929.11.~~

~~—**PRETRIAL DIVERSION PROGRAM.** A rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this state.~~

~~—**PRIVATE PREMISES.** All property, including, but not limited to, vacant land or land, buildings or other structures designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox and other structures pertinent thereto.~~

~~—**PRIVILEGE.** An immunity, license or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office or relationship, or growing out of necessity.~~

~~—**PROCESSING OF FIREWORKS.** The making of fireworks from materials all or part of which in and of themselves constitute fireworks, but does not include the mere packaging or repackaging of fireworks.~~

~~—**PROFESSIONAL LICENSE.** Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in ORC 2925.01(W)(1) to (35) and that qualifies a person as a professionally licensed person.~~

~~—**PROFESSIONALLY LICENSED PERSON.** Any of the following:~~

~~— (1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under ORC Chapter 3719;~~

~~— (2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under ORC Chapter 4701 and who holds an Ohio permit issued under that chapter;~~

~~— (3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under ORC Chapter 4703;~~

~~— (4) A person who is registered as a landscape architect under ORC Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;~~

~~— (5) A person licensed under ORC Chapter 4707;~~

~~— (6) A person who has been issued a certificate of registration as a registered barber under ORC Chapter 4709;~~

~~— (7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of ORC Chapter 4710;~~

~~— (8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under ORC Chapter 4713;~~

~~— (9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under ORC Chapter 4715;~~

~~— (10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under ORC Chapter 4717;~~

~~— (11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse midwifery under ORC Chapter 4723;~~

~~— (12) A person who has been licensed to practice optometry or to engage in optical dispensing under ORC Chapter 4725;~~

~~— (13) A person licensed to act as a pawnbroker under ORC Chapter 4727;~~

~~— (14) A person licensed to act as a precious metals dealer under ORC Chapter 4728;~~

~~— (15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under ORC Chapter 4729;~~

~~— (16) A person who is authorized to practice as a physician assistant under ORC Chapter 4730;~~

~~— (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under ORC Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;~~

~~— (18) A person licensed as a psychologist or school psychologist under ORC Chapter 4732;~~

~~— (19) A person registered to practice the profession of engineering or surveying under ORC Chapter 4733;~~

~~— (20) A person who has been issued a license to practice chiropractic under ORC Chapter 4734;~~

~~— (21) A person licensed to act as a real estate broker or real estate salesperson under ORC Chapter 4735;~~

~~— (22) A person registered as a registered sanitarian under ORC Chapter 4736;~~

~~— (23) A person licensed to operate or maintain a junkyard under ORC Chapter 4737;~~

- ~~— (24) A person who has been issued a motor vehicle salvage dealer's license under ORC Chapter 4738;~~
- ~~— (25) A person who has been licensed to act as a steam engineer under ORC Chapter 4739;~~
- ~~— (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under ORC Chapter 4741;~~
- ~~— (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under ORC Chapter 4747;~~
- ~~— (28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under ORC Chapter 4749;~~
- ~~— (29) A person licensed and registered to practice as a nursing home administrator under ORC Chapter 4751;~~
- ~~— (30) A person licensed to practice as a speech language pathologist or audiologist under ORC Chapter 4753;~~
- ~~— (31) A person issued a license as an occupational therapist or physical therapist under ORC Chapter 4755;~~
- ~~— (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, registered as a social work assistant under ORC Chapter 4757;~~
- ~~— (33) A person issued a license to practice dietetics under ORC Chapter 4759;~~
- ~~— (34) A person who has been issued a license or limited permit to practice respiratory therapy under ORC Chapter 4761;~~
- ~~— (35) A person who has been issued a real estate appraiser certificate under ORC Chapter 4763; or~~
- ~~— (36) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.~~

~~— **PROOF OF AGE.** A driver's license, a commercial driver's license, a military identification card, a passport or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is 18 years of age or older.~~

~~— **PROPERTY.**~~

~~— (1) Any property, real or personal, tangible or intangible, and any interest or license in that property. **PROPERTY** includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright or patent. **FINANCIAL INSTRUMENTS ASSOCIATED WITH COMPUTERS** include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.~~

~~— (2) As used in this definition, **TRADE SECRET** has the same meaning as in Ohio R.C. 1333.61, and **TELECOMMUNICATIONS SERVICE** and **INFORMATION SERVICE** have the same meanings as in Ohio R.C. 2913.01.~~

~~— (3) As used in this definition and in the definition of **CONTRABAND** in this section, **CABLE TELEVISION SERVICE**, **COMPUTER**, **COMPUTER NETWORK**, **COMPUTER SOFTWARE**, **COMPUTER SYSTEM**, **DATA**, and **TELECOMMUNICATIONS DEVICE** have the same meanings as in Ohio R.C. 2913.01.~~

~~— **PROSECUTION.** Means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.~~

~~— **PROSTITUTE.** A male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.~~

~~— **PROVIDER AGREEMENT.** Has the same meaning as in Ohio R.C. 5164.01.~~

~~—**PUBLIC OFFICIAL.** Any elected or appointed officer, employee or agent of the state or any political subdivision thereof, whether in a temporary or permanent capacity, and includes but is not limited to legislators, judges and law enforcement officers. The term does not include an employee, officer, or governor appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.~~

~~—**PUBLIC PLACE.** Any of the following:~~

~~— (1) A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot or transportation facility;~~

~~— (2) A doorway or entrance way to a building that fronts on a place described in subsection (1)A. of this definition; or~~

~~— (3) A place not described in subsection (1)A. or (1)B. of this definition that is open to the public.~~

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

~~—**PUBLIC PROPERTY.** All property owned, controlled, or operated by any governmental entity, including but not limited to governmental offices or facilities, public streets, publicly owned parking lots, schools, libraries, post offices, transit facilities, and other public lands, parks, buildings, or grounds.~~

~~—**PUBLIC RECEPTACLE.** Any receptacle provided by or authorized by the city.~~

~~—**PUBLIC SERVANT.**~~

~~— (1) Any of the following:~~

~~— A. Any public official;~~

~~— B. Any person performing ad hoc a governmental function, including but not limited to a juror, member of a temporary commission, master, arbitrator, advisor or consultant; or~~

~~— C. A person who is a candidate for public office, whether or not he or she is elected or appointed to the office for which he or she is a candidate. A person is a candidate for purposes of this subsection if he or she has been nominated according to law for election or appointment to public office, or if he or she has filed a petition or petitions as required by law to have his or her name placed on the ballot in a primary, general, or special election, or if he or she campaigns as a write-in candidate in any primary, general or special election.~~

~~— (2) The term does not include an employee, officer, or governor appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.~~

~~—**PUBLIC TRANSPORTATION SYSTEM.** A county transit system operated in accordance with Ohio R.C. 306.01 to 306.13, a regional transit authority operated in accordance with Ohio R.C. 306.30 to 306.71, or a regional transit commission operated in accordance with Ohio R.C. 306.80 to 306.90.~~

~~—**PUNCH BOARD.** A board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.~~

~~—**RACING EVENT.** A motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.~~

~~—**RAFFLE.** A form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. The term does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:~~

~~— (1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and~~

~~— (2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.~~

~~—**RAILROAD.** Any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.~~

~~—**REDEEMABLE VOUCHER.** Any ticket, token, coupon, receipt, or other noncash representation of value.~~

~~—**REFUSE.** All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.~~

~~—**RELIGIOUS ORGANIZATION.** Any church, body of communicants or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.~~

~~—**RENTED PROPERTY.** Personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property within any applicable minimum or maximum term; and the amount of consideration is generally determined by the duration of possession of the property.~~

~~—**RENTER.** A person who owns rented property.~~

~~—**RENTEE.** A person who pays consideration to a renter for the use of rented property.~~

~~—**REPEAT OFFENDER.** A person who has a history of persistent criminal activity and whose character and condition reveal a substantial risk that he or she will commit another offense. It is prima facie evidence that a person is a repeat offender if any of the following applies:~~

~~— (1) Having been convicted of one or more offenses of violence, as defined in Ohio R.C. 2901.01, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent offense of violence;~~

~~— (2) Having been convicted of one or more sexually oriented offenses, as defined in Ohio R.C. 2950.01, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent sexually oriented offense;~~

~~— (3) Having been convicted of one or more theft offenses, as defined in Ohio R.C. 2913.01, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent theft offense;~~

~~— (4) Having been convicted of one or more felony drug abuse offenses, as defined in Ohio R.C. 2925.01, and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent felony drug abuse offense;~~

~~— (5) Having been convicted of two or more felonies, and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense; or~~

~~— (6) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors, and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.~~

~~—**RESIDENTIAL WASTE.** Any waste material, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.~~

~~—**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. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs and filling stations.~~

~~—**RESTRICTED AREA.** The following:~~

~~— (1) Except as provided in subsection (2) of this definition, the area within the boundary of any municipal corporation established in accordance with the provisions of Ohio R.C. Title 7, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.~~

~~— (2) The phrase shall not include any municipal corporation the territory of which is located on an island in Lake Erie except that, during the yearly period between Memorial Day and Labor Day, any such municipal corporation shall be required to comply with the requirements of subsection (c) of this section.~~

~~—**RESTRICTED ENTERTAINMENT AREA.** Any wholly or partially enclosed area, whether indoors or outdoors, that has limited access through established entrances or established turnstiles or similar devices.~~

~~—**RESTRICTIVE COVENANT.** Any specification limiting the transfer, rental, lease or other use of any housing accommodations because of race, color, religion, sex, familial status, national origin, disability, age, ancestry or HIV positive status, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, sex, familial status, national origin, disability, age, ancestry or HIV positive status as a condition of affiliation or approval.~~

~~—**RETAIL INCOME FROM ALL COMMERCIAL ACTIVITY.** The income that a person receives from the provision of goods, services or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets.~~

~~—**RETAIL SALE or SELL AT RETAIL.** A sale of fireworks to a purchaser who intends to use the fireworks and not to resell them.~~

~~—**REVOKE.** To void permanently all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.~~

~~—**RIGHT-OF-WAY.** Shall have the same meaning as in Ohio R.C. 4511.01(UU).~~

~~—**RISK.** A significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.~~

~~—**RUBBISH.** Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.~~

~~—**SADO-MASOCHISTIC ABUSE.** Flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.~~

~~—**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 Ohio R.C. 4301.21. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the Division 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 Division pursuant to Ohio R.C. 4303.25. Includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.~~

~~—**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 had been assigned to another A or B permit holder before April 9, 2001.~~

~~—**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.~~

~~—**SAWED-OFF FIREARM.** A shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall.~~

~~—**SCHEDULE I, II, III, IV OR V.** Controlled substance Schedules I, II, III, IV, and V established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.~~

~~—**SCHEME OF CHANCE.**~~

~~—(1) A slot machine unless authorized under Ohio R.C. Chapter 3772, lottery unless authorized under Ohio R.C. Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill based amusement machine, or a pool not conducted for profit. “Scheme of chance” includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or~~

indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:

- A. Less than 50 percent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;
- B. Less than 50 percent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;
- C. More than 50 percent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a “casino game” as defined in Ohio R.C. 3772.01;
- D. The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
- E. A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
- F. A participant may use the electronic device to purchase additional game entries;
- G. A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
- H. A scheme of chance operator pays out in prize money more than 20 percent of the gross revenue received at one location; or
- I. A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

— (2) As used in this subsection, **ELECTRONIC DEVICE** means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person’s partners, affiliates, subsidiaries, or contractors.

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

— **SCHOOL**, **SCHOOL BUILDING**, and **SCHOOL PREMISES**. Have the same meanings as in Ohio R.C. 2925.01.

— **SCHOOL ACTIVITY**. Any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational or cooperative education school district, a governing authority of a community school established under Ohio R.C. Chapter 3314; a governing board of an educational service center; or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07.

— **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 BUS**. Has the same meaning as in Ohio R.C. 4511.01.

— **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; or

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

— **SCHOOL SAFETY ZONE**. Consists of a school, school building, school premises, school activity, and school bus.

~~—**SEAL CARD.** A form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters or symbols.~~

~~—**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.~~

~~—**SECURITY PERSONNEL.** Includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which bingo is conducted.~~

~~—**SELLER.** A seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of division (a) of § 636.21.~~

~~—**SEMI-AUTOMATIC FIREARM.** Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.~~

~~—**SERIOUS PHYSICAL HARM TO PERSONS.** Any of the following:~~

~~— (1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;~~

~~— (2) Any physical harm that carries a substantial risk of death;~~

~~— (3) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;~~

~~— (4) Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement; or~~

~~— (5) Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain.~~

~~—**SERIOUS PHYSICAL HARM TO PROPERTY.** Any physical harm to property that does either of the following:~~

~~— (1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort, or money to repair or replace; or~~

~~— (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use or enjoyment for an extended period of time.~~

~~—**SERVICES.** Includes labor, personal services, professional services, rental services, public utility services including wireless service as defined in Ohio R.C. 128.01(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services and, for purposes of Ohio R.C. 2913.04 or any substantially equivalent municipal ordinance, includes cable services as defined in that section.~~

~~—**SEX OFFENSE.** A violation of any provision of Ohio R.C. 2907.02 to 2907.09.~~

~~—**SEXUAL ACTIVITY.** Sexual conduct or sexual contact, or both.~~

~~—**SEXUAL ACTIVITY FOR HIRE.** Means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.~~

~~—**SEXUAL CONDUCT.** Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.~~

~~—**SEXUAL CONTACT.** Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.~~

~~—**SEXUAL EXCITEMENT.** The condition of human male or female genitals when in a state of sexual stimulation or arousal.~~

~~—**SHAM LEGAL PROCESS.** An instrument that meets all of the following conditions:~~

~~— (1) It is not lawfully issued.~~

~~— (2) It purports to do any of the following:~~

~~— A. To be a summons, subpoena, judgment, or order of a court, a law enforcement officer, or a legislative, executive or administrative body;~~

~~— B. To assert jurisdiction over or determine the legal or equitable status, rights, duties, powers, or privileges of any person or property; or~~

~~— C. To require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property.~~

~~— (3) It is designed to make another person believe that it is lawfully issued.~~

~~— **SINGLE-FAMILY PRIVATE DWELLING.** A dwelling designed for or used by one family.~~

~~— **SKILL-BASED AMUSEMENT MACHINE.**~~

~~— (1) A. A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:~~

~~— 1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars (\$10.00);~~

~~— 2. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars (\$10.00);~~

~~— 3. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars (\$10.00) times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and~~

~~— 4. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill based amusement machine at the time of play.~~

~~— B. A card for the purchase of gasoline is a redeemable voucher for purposes of subsection (1) of this definition even if the skill based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.~~

~~— (2) A device shall not be considered a skill based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:~~

~~— A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;~~

~~— B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;~~

~~— C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;~~

~~— D. The success of any player is or may be determined by a chance event that cannot be altered by player actions;~~

~~— E. The ability of any player to succeed at the game is determined by game features not visible or known to the player;~~

~~— F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.~~

~~— (3) All of the following apply to any machine that is operated as described in subsection (1) of this definition:~~

~~— A. As used in this definition of “skill based amusement machine”, “game” and “play” mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.~~

~~— B. Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.~~

~~— C. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.~~

~~— (4) For purposes of subsection (1) of this definition, the mere presence of a device, such as a pin-setting, ball releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.~~

~~— **SLOT MACHINE.**~~

~~— (1) Either of the following:~~

~~— A. Any mechanical, electronic, video or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain; or~~

~~— B. Any mechanical, electronic, video or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.~~

~~— (2) Does not include a skill-based amusement machine or an instant bingo ticket dispenser.~~

~~— **SLUG.** An object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token made for that purpose.~~

~~— **SMOKE** or **SMOKING.** The act of burning any tobacco product, weed, filler or plant of any kind in a cigarette, cigar, pipe or other device.~~

~~— **SMOKE DEVICE.** A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.~~

~~— **SMOKE-FREE.** Free of visible smoke and not containing fumes and odors from smoking in sufficient concentrations to cause annoyance or distress to nonsmokers.~~

~~— **SNAKE** or **GLOW WORM.** A device that consists of a pressed pellet of pyrotechnic composition that produces a large snake-like ash upon burning, which ash expands in length as the pellet burns.~~

~~— **SNAPPER.** A small paper wrapped item that contains a minute quantity of explosive composition coated on small bits of sand and that, when dropped, implodes.~~

~~— **SPIRITUOUS LIQUOR.** All intoxicating liquors containing more than 21 percent of alcohol by volume.~~

~~— **SPORTING ORGANIZATION.** A hunting, fishing or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the League of Ohio Sportsmen, and that has been in continuous existence in this state for a period of three years.~~

~~— **SPOUSE.** A person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:~~

~~— (1) When the parties have entered into a written separation agreement pursuant to Ohio R.C. 3103.06;~~

~~— (2) When an action is pending between the parties for annulment, divorce, dissolution of marriage, or legal separation; or~~

~~— (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.~~

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

~~— **STATE.** A state of the United States, including without limitation the state legislature, the highest court of the state that has statewide jurisdiction, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions and other instrumentalities of the state. **STATE** does not include the political subdivisions of the state; has the same meaning as in Ohio R.C. 2744.01.~~

~~— **STORAGE LOCATION.** A single parcel or contiguous parcels of real estate approved by the Fire Marshal pursuant to Ohio R.C. 3743.04(I) or Ohio R.C. 3743.17(G) that are separate from a licensed~~

~~premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession and storage of fireworks in accordance with this chapter.~~

~~—**STREET, HIGHWAY AND MOTOR VEHICLE.** Have the same meanings as in Ohio R.C. 4511.01.~~

~~—**SUBSTANTIAL RISK.** A strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.~~

~~—**SUSPEND.** To interrupt temporarily all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.~~

~~—**SWEEPSTAKES.** Any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. **SWEEPSTAKES** does not include bingo as authorized under R.C. Chapter 2915, pari-mutuel wagering as authorized by Ohio R.C. Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by Ohio R.C. Chapter 3770, and casino gaming as authorized by Ohio R.C. Chapter 3772.~~

~~—**SWEEPSTAKES TERMINAL DEVICE.**~~

~~— (1) A mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a **SWEEPSTAKES TERMINAL DEVICE** if any of the following apply:~~

~~— A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.~~

~~— B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.~~

~~— C. The device selects prizes from a predetermined finite pool of entries.~~

~~— D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.~~

~~— E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.~~

~~— F. The device utilizes software to create a game result.~~

~~— G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.~~

~~— H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.~~

~~— (2) As used in this definition and in § 630.02:~~

~~— A. **ENTER.** The act by which a person becomes eligible to receive any prize offered in a sweepstakes.~~

~~— B. **ENTRY.** One event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.~~

~~— C. **PRIZE.** Any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.~~

~~— D. **SWEEPSTAKES TERMINAL DEVICE FACILITY.** Any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in § 630.02(g) and Ohio R.C. 2915.02(G).~~

~~—**TAMPER.** To interfere with, damage or bypass a utility meter, conduit or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on the meter.~~

~~—**TELECOMMUNICATION.** The origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence or intelligence of any nature over any communications system by any method, including but not limited to a fiber optic, electronic, magnetic, optical, digital or analog method; has the same meaning as in Ohio R.C. 2913.01.~~

~~**TELECOMMUNICATIONS DEVICE.** Any instrument, equipment, machine, or other device that facilitates telecommunication, including but not limited to a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem or device that enables the use of a modem; has the same meaning as in Ohio R.C. 2913.01.~~

~~**TELECOMMUNICATIONS SERVICE.** The providing, allowing, facilitating or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system; has the same meaning as in Ohio R.C. 2913.01.~~

~~**THEFT OFFENSE.** Any of the following:~~

~~— (1) A violation of Ohio R.C. 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48, former Ohio R.C. 2913.47 or 2913.48, or Ohio R.C. 2913.51, 2915.05, or 2921.41;~~

~~— (2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any section listed in subsection (1) of this definition, or a violation of Ohio R.C. 2913.41, 2913.81 or 2915.06 as it existed prior to 7-1-1996;~~

~~— (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud; or~~

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

~~**TOBACCO PRODUCT.** Means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, or snuff.~~

~~**TO RENT.** To lease, to sublease, to let and to otherwise grant, for a consideration, the right to occupy premises not owned by the occupant.~~

~~**TOWNSHIP LAW ENFORCEMENT AGENCY.** An organized police department of a township, a township police district, a joint police district, or the office of a township constable.~~

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

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

~~**TRICK MATCH.** A kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.~~

~~**TWO FAMILY PRIVATE DWELLING.** A dwelling designed for or used by two families and consisting of just two apartments.~~

~~**UNDERAGE PERSON.** A person under 18 years of age.~~

~~**UNIT DOSE.** An amount or unit of 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.~~

~~**UNLAWFUL TERMINATION OF ANOTHER'S PREGNANCY.** Causing the death of an unborn member of the species Homo sapiens who is or was carried in the womb of another, as a result of injuries inflicted during the period that begins with fertilization and that continues unless and until live birth occurs.~~

~~**UNRESTRICTED AREA.** All areas outside the boundaries of a restricted area as defined in this section.~~

~~**UTILITY.** Any electric light company, gas company, natural gas company, pipe line company, water-works company or heating or cooling company, as defined in Ohio R.C. 4905.03(C), (D), (E), (F), (G), or (H), its lessees, trustees or receivers, or any similar utility owned or operated by a political subdivision.~~

~~—**UTTER.** To issue, publish, transfer, use, put or send into circulation, deliver or display.~~

~~—**VALID CONCEALED HANDGUN LICENSE** or **VALID LICENSE TO CARRY A CONCEALED HANDGUN.** A concealed handgun license that is currently valid, that is not under a suspension under Ohio R.C. 2923.128(A)(1), under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under Ohio R.C. 2923.128(B)(1), under Ohio R.C. 2923.1213, or under a revocation provision of the state other than this state in which the license was issued.~~

~~—**VALUABLE THING** or **VALUABLE BENEFIT.** Includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before 9-17-1986.~~

~~—**VEHICLE.** All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation; has the same meaning as in Ohio R.C. 4501.01.~~

~~—**VENDING MACHINE.** Has the same meaning as coin machine in Ohio R.C. 2913.01.~~

~~—**VETERAN’S ORGANIZATION.** Any individual post or state headquarters of a national veteran’s association or an auxiliary unit of any individual post of a national veteran’s association, which post, state headquarters or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran’s association indicating that the individual post or auxiliary unit is in good standing with the national veteran’s association or has received a letter from the national veteran’s association indicating that the state headquarters is in good standing with the national veteran’s association. As used in this subsection, **NATIONAL VETERAN’S ASSOCIATION** means any veteran’s association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.~~

~~—**VICIOUS DOG.**~~

~~— (1) A dog that, without provocation and subject to subsection (2) of this definition, has killed or caused serious injury to any person.~~

~~— (2) **VICIOUS DOG** does not include either of the following:~~

~~— A. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist law enforcement officers in the performance of their official duties; or~~

~~— B. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.~~

~~—**VOLUNTEER FIREFIGHTER’S ORGANIZATION.** Any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation or township.~~

~~—**VOLUNTEER RESCUE SERVICE ORGANIZATION.** Any organization of volunteers organized to function as an emergency medical service organization as defined in Ohio R.C. 4765.01.~~

~~—**WEEDS.** Include, but not be limited to, any uncultivated vegetation not grown or allowed to grow for purposes of beautifying the surroundings or to provide marketable crops.~~

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

~~—**WHOLESALE SALE** or **SELL AT WHOLESALE.** A sale of fireworks to a purchaser who intends to resell the fireworks so purchased.~~

~~—**WHOLESALER.** A person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes **WHOLESALE DISTRIBUTOR OF DANGEROUS DRUGS**, which means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of that person authorized by that person to engage in the sale of dangerous drugs at wholesale.~~

~~—**WILD ANIMAL.** Includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.~~

~~(ORC 1531.01(X))~~

~~—**WINE.** All liquids fit to use for beverage purposes containing not less than 0.5 percent of alcohol by volume and not more than 21 percent of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products. Except as provided in Ohio R.C. 4301.01(B)(3), the term does not include cider.~~

~~—**WIRE SPARKLER.** A sparkler consisting of a wire or stick coated with a non explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than 100 grams of this mixture.~~

~~—**WITHOUT PROVOCATION.** A dog acts **WITHOUT PROVOCATION** when it was not teased, tormented or abused by a person, or it was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.~~

~~—**WRITING.** Any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license or identification; has the same meaning as in Ohio R.C. 2913.01.~~

~~—**YOUTH ATHLETIC ORGANIZATION.** Any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are 21 years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.~~

~~—**YOUTH ATHLETIC PARK ORGANIZATION.** Any organization, not organized for profit, that satisfies both of the following:~~

~~— (1) It owns, operates and maintains playing fields that satisfy both of the following:~~

~~— A. The playing fields are used at least 100 days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are 18 years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league or association; and~~

~~— B. The playing fields are not used for any profit making activity at any time during the year.~~

~~— (2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance and improvement of its playing fields of the type described in subsection (1) of this definition.~~

~~—**ZIP GUN.** Any of the following:~~

~~— (1) Any firearm of crude and extemporized manufacture;~~

~~— (2) Any device, including without limitation a starter's pistol, not designed as a firearm, but that is specially adapted for use as a firearm; or~~

~~— (3) Any industrial tool, signaling device, or safety device, not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.~~

~~(OAC 3745-19-01) (ORC 955.11(A), 1531.01(X), 2901.21, 2903.10, 2907.01, 2907.241, 2909.01, 2913.01, 2913.04, 2915.01, 2917.11, 2921.52(A) (D), 2923.11, 2925.01, 2927.023, 2935.36(E), 2981.11, 3719.01, 3719.011, 3719.013, 3743.01, 4301.01, 4301.244, 4301.62, 4729.01, 4931.30, 4933.18) (1997 Code, §§ 606.04, 606.05, 606.06, 606.07, 606.09, 606.11, 606.16, 608.145, 608.17, 612.01, 612.07, 612.10, 618.01, 620.02, 622.02, 624.01, 624.076, 630.01, 630.12, 636.001, 636.15, 636.19, 636.21, 636.24, 642.01, 642.03, 642.07, 648.04, 648.10, 648.11, 660.03, 660.08, 666.01, 666.08, 666.085, 672.03, 672.045, 672.06, 672.22, 678.01, 678.10, 698.01) (Ord. 85-22, passed 6-13-1985; Ord. 85-75, passed 10-24-1985; Ord. 87-27, passed 5-14-1987; Ord. 96-43, passed 5-23-1996; Am. Ord. 06-34, passed 5-25-2006; Am. Ord. 11-70, passed 11-22-2011; Am. Ord. 12-30, passed 6-14-2012; Am. Ord. 13-31, passed 6-13-2013; Am. Ord. 13-37, passed 6-27-2013)~~

~~606.01 DEFINITIONS.~~

~~—The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~—**CAMPAIGN COMMITTEE, CONTRIBUTION, LEGISLATIVE CAMPAIGN FUND, POLITICAL ACTION COMMITTEE, POLITICAL CONTRIBUTING ENTITY, AND POLITICAL PARTY**~~

~~—CONTRABAND~~
~~—DEADLY FORCE~~
~~—DETENTION~~
~~—DETENTION FACILITY~~
~~—FORCE~~
~~—LAW ENFORCEMENT OFFICER~~
~~—NOT GUILTY BY REASON OF INSANITY~~
~~—OFFENSE OF VIOLENCE~~
~~—OFFICIAL PROCEEDING~~
~~—PARTY OFFICIAL~~
~~—PERSON~~
~~—PHYSICAL HARM TO PERSONS~~
~~—PHYSICAL HARM TO PROPERTY~~
~~—PRIVILEGE~~
~~—PROPERTY~~
~~—PROVIDER AGREEMENT~~
~~—PUBLIC OFFICIAL~~
~~—PUBLIC SERVANT~~
~~—RISK~~
~~—SCHOOL, SCHOOL BUILDING, and SCHOOL PREMISES~~
~~—SCHOOL ACTIVITY~~
~~—SCHOOL BUS~~
~~—SCHOOL SAFETY ZONE~~
~~—SERIOUS PHYSICAL HARM TO PERSONS~~
~~—SERIOUS PHYSICAL HARM TO PROPERTY~~
~~—SUBSTANTIAL RISK~~
~~—VALUABLE THING or VALUABLE BENEFIT~~
(ORC 2901.01, 2921.01)

606.05 CRIMINAL LAW JURISDICTION.

~~(i) The following word and/or phrase used in this section are defined in Chapter 604, § 604.01.~~
~~—COMPUTER, COMPUTER SYSTEM, COMPUTER NETWORK, INFORMATION SERVICE, TELECOMMUNICATION, TELECOMMUNICATIONS DEVICE, TELECOMMUNICATIONS SERVICE, DATA AND WRITING~~

606.07 REQUIREMENTS FOR CRIMINAL LIABILITY; VOLUNTARY INTOXICATION.

~~(e) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~
~~—CULPABILITY~~
~~—INTOXICATION~~
~~—INVOLUNTARY ACTS~~
~~—POSSESSION~~

608.145 USING SHAM LEGAL PROCESS.

~~(a) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~
~~—LAWFULLY ISSUED~~
~~—POLITICAL SUBDIVISIONS~~
~~—SHAM LEGAL PROCESS~~
~~—STATE~~

608.17 DETENTION AND ARREST OF SHOPLIFTERS AND THOSE COMMITTING MOTION PICTURE PIRACY; PROTECTION OF INSTITUTIONAL PROPERTY.

~~(a) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

- ~~— ARCHIVAL~~
- ~~— AUDIOVISUAL RECORDING FUNCTION AND FACILITY~~
- ~~— MUSEUM~~
- ~~— PRETRIAL DIVERSION PROGRAM~~

~~612.01 DEFINITIONS.~~

~~The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

- ~~— ALCOHOL~~
- ~~— AT RETAIL~~
- ~~— BEER~~
- ~~— CIDER~~
- ~~— CLUB~~
- ~~— COMMUNITY FACILITY~~
- ~~— CONTROLLED ACCESS ALCOHOL AND BEVERAGE CABINET~~
- ~~— HOTEL~~
- ~~— INTOXICATING LIQUOR and LIQUOR~~
- ~~— LOW ALCOHOL BEVERAGE~~
- ~~— MANUFACTURE~~
- ~~— MANUFACTURER~~
- ~~— MIXED BEVERAGES~~
- ~~— NIGHTCLUB~~
- ~~— PERSON~~
- ~~— PHARMACY~~
- ~~— RESTAURANT~~
- ~~— SALE and SELL~~
- ~~— SALES AREA OR TERRITORY~~
- ~~— SEALED CONTAINER~~
- ~~— SPIRITUOUS LIQUOR~~
- ~~— VEHICLE~~
- ~~— WHOLESALE DISTRIBUTOR and DISTRIBUTOR~~
- ~~— WINE~~

612.07 OPEN CONTAINER PROHIBITED.

~~(a) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

- ~~— CHAUFFEURED LIMOUSINE~~
- ~~— STREET, HIGHWAY, AND MOTOR VEHICLE~~

618.01 DEFINITIONS.

~~(a) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

- ~~— AMERICAN BULLDOG~~
- ~~— CANARY DOG~~
- ~~— DANGEROUS DOG~~
- ~~— EXOTIC ANIMAL~~
- ~~— LIVESTOCK~~
- ~~— MENACING FASHION~~
- ~~— OWNER~~
- ~~— PIT BULL TERRIER~~
- ~~— POLICE DOG~~

~~—POULTRY~~
~~—VICIOUS DOG~~
~~—WITHOUT PROVOCATION~~

~~620.02 DEFINITIONS:~~

~~—The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~—APARTMENT~~
~~—CITY COUNCIL~~
~~—COMMISSION~~
~~—DISCRIMINATION~~
~~—DWELLING~~
~~—EMPLOYER~~
~~—FAMILIAL STATUS~~
~~—HOUSING ACCOMMODATIONS~~
~~—LABOR ORGANIZATION~~
~~—PERSON~~
~~—PLACE OF PUBLIC ACCOMMODATION~~
~~—RESTRICTIVE COVENANT~~
~~—SINGLE-FAMILY PRIVATE DWELLING~~
~~—TO RENT~~
~~—TWO-FAMILY PRIVATE DWELLING~~

~~622.02 DEFINITIONS:~~

~~—The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~—EMPLOYEE~~
~~—EMPLOYER~~
~~—ENCLOSED AREA~~
~~—OFFICE WORKPLACE~~
~~—SMOKE or SMOKING~~
~~—SMOKE-FREE~~

~~624.01 DEFINITIONS:~~

~~—The following words and/or phrases used in this section are defined in Chapter 604, § 604.01. Words, terms and phrases and their derivatives used in this chapter which are not defined in Chapter 604, § 604.01 shall have the meanings given to them in the Ohio Revised Code.~~

~~—ADMINISTER~~
~~—ADULTERATE~~
~~—BULK AMOUNT~~
~~—CERTIFIED GRIEVANCE COMMITTEE~~
~~—COCAINE~~
~~—COMMITTED IN THE VICINITY OF A JUVENILE~~
~~—COMMITTED IN THE VICINITY OF A SCHOOL~~
~~—CONTROLLED SUBSTANCE~~
~~—CONTROLLED SUBSTANCE ANALOG~~
~~—COUNTERFEIT CONTROLLED SUBSTANCE~~
~~—CULTIVATE~~
~~—DANGEROUS DRUG~~
~~—DECEPTION~~
~~—DISCIPLINARY COUNSEL~~
~~—DISPENSE~~
~~—DISTRIBUTE~~

~~—DRUG~~
~~—DRUG ABUSE OFFENSE~~
~~—DRUG DEPENDENT PERSON~~
~~—DRUG OF ABUSE~~
~~—FEDERAL DRUG ABUSE CONTROL LAWS~~
~~—FELONY DRUG ABUSE OFFENSE~~
~~—HARMFUL INTOXICANT~~
~~—HASHISH~~
~~—HYPODERMIC~~
~~—JUVENILE~~
~~—LABORATORY~~
~~—LAWFUL PRESCRIPTION~~
~~—LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS or PRESCRIBER~~
~~—L.S.D.~~
~~—MAJOR DRUG OFFENDER~~
~~—MANDATORY PRISON TERM~~
~~—MANUFACTURE~~
~~—MANUFACTURER~~
~~—MARIHUANA~~
~~—METHAMPHETAMINE~~
~~—MINOR DRUG POSSESSION OFFENSE~~
~~—OFFICIAL WRITTEN ORDER~~
~~—PERSON~~
~~—PHARMACIST~~
~~—PHARMACY~~
~~—POSSESS or POSSESSION~~
~~—PRESCRIPTION~~
~~—PRESUMPTION FOR A PRISON TERM or PRESUMPTION THAT A PRISON TERM SHALL BE IMPOSED~~
~~—PROFESSIONAL LICENSE~~
~~—PROFESSIONALLY LICENSED PERSON~~
~~—PUBLIC PREMISES~~
~~—SALE~~
~~—SAMPLE DRUG~~
~~—SCHEDULE I, II, III, IV OR V~~
~~—SCHOOL~~
~~—SCHOOL BUILDING~~
~~—SCHOOL PREMISES~~
~~—STANDARD PHARMACEUTICAL REFERENCE MANUAL~~
~~—THEFT OFFENSE~~
~~—UNIT DOSE~~
~~—WHOLESALE~~

~~630.01 DEFINITIONS.~~

~~—The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~—BET~~
~~—BINGO~~
~~—BINGO GAME OPERATOR~~
~~—BINGO SESSION~~
~~—BINGO SUPPLIES~~

~~—BOOKMAKING~~
~~—CHAMBER OF COMMERCE~~
~~—CHARITABLE BINGO GAME~~
~~—CHARITABLE INSTANT BINGO ORGANIZATION~~
~~—CHARITABLE ORGANIZATION~~
~~—CHARITABLE PURPOSE~~
~~—COMMUNITY ACTION AGENCY~~
~~—CONDUCT~~
~~—DEAL OF INSTANT BINGO TICKETS~~
~~—DISTRIBUTOR~~
~~—ELECTRONIC BINGO AID~~
~~—EXPENSES~~
~~—FRATERNAL ORGANIZATION~~
~~—GAMBLING DEVICE~~
~~—GAMBLING OFFENSE~~
~~—GAME FLARE~~
~~—GAME OF CHANCE~~
~~—GAME OF CHANCE CONDUCTED FOR PROFIT~~
~~—GROSS ANNUAL REVENUES~~
~~—GROSS PROFIT~~
~~—GROSS RECEIPTS~~
~~—HISTORIC RAILROAD~~
~~—INSTANT BINGO~~
~~—INSTANT BINGO TICKET DISPENSER~~
~~—IRC or INTERNAL REVENUE CODE~~
~~—MANUFACTURER~~
~~—MERCHANDISE PRIZE~~
~~—NET PROFIT~~
~~—NET PROFIT FROM THE PROCEEDS OF THE SALE OF INSTANT BINGO~~
~~—PARTICIPANT~~
~~—PERSON~~
~~—POOL NOT CONDUCTED FOR PROFIT~~
~~—PUNCH BOARD~~
~~—RAFFLE~~
~~—REDEEMABLE VOUCHER~~
~~—RELIGIOUS ORGANIZATION~~
~~—REVOKE~~
~~—SCHEME OF CHANCE~~
~~—SEAL CARD~~
~~—SECURITY PERSONNEL~~
~~—SKILL-BASED AMUSEMENT MACHINE~~
~~—SLOT MACHINE~~
~~—SPORTING ORGANIZATION~~
~~—SUSPEND~~
~~—SWEEPSTAKES~~
~~—SWEEPSTAKES TERMINAL DEVICE~~
~~—VETERAN'S ORGANIZATION~~
~~—VOLUNTEER FIREFIGHTER'S ORGANIZATION~~
~~—VOLUNTEER RESCUE SERVICE ORGANIZATION~~
~~—YOUTH ATHLETIC ORGANIZATION~~
~~—YOUTH ATHLETIC PARK ORGANIZATION~~

~~636.001 DEFINITIONS.~~

~~—(a) The words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **ANOTHER'S UNBORN OR OTHER PERSON'S UNBORN**~~

~~— **UNLAWFUL TERMINATION OF ANOTHER'S PREGNANCY**~~

~~—(b) Notwithstanding subsection (a) of this section, in no case shall the definitions of the terms "another's unborn," "other person's unborn" and "unlawful termination of another's pregnancy" that are set forth in subsection (a) of this section be applied or construed in any of the following manners:~~

~~—(1) Except as otherwise provided in subsection (b)(1) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as any violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21 or 2903.22, or a substantially equivalent municipal ordinance, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence but that does violate Ohio R.C. 2919.12, 2919.13(B), 2919.151, 2919.17 or 2919.18, or a substantially equivalent municipal ordinance, may be punished as a violation of such section, as applicable.~~

~~—(2) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:~~

~~— A. Her delivery of a stillborn baby;~~

~~— B. Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;~~

~~— C. Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;~~

~~— D. Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human; or~~

~~— E. Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other psychological illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.~~

~~(ORC 2903.09)~~

636.19 SAFETY OF CROWDS ATTENDING LIVE ENTERTAINMENT PERFORMANCES.

(a) The words and/or phrases used in this section are defined in Chapter 604, § 604.01.

~~— **CONCERT**~~

~~— **FACILITY**~~

~~— **LIVE ENTERTAINMENT PERFORMANCE**~~

~~— **PERSON**~~

~~— **RESTRICTED ENTERTAINMENT AREA**~~

636.21 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; TRANSACTION SCANS.

(a) Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products.

~~—(1) The words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **AGE VERIFICATION.**~~

~~— **ALTERNATIVE NICOTINE PRODUCT.**~~

~~— **CHILD.**~~

~~— **CIGARETTE.**~~

~~— **DISTRIBUTE.**~~

~~— **ELECTRONIC CIGARETTE.**~~

~~— **PROOF OF AGE.**~~
~~— **TOBACCO PRODUCT.**~~
~~— **VENDING MACHINE.**~~

(b) Transaction scan.

~~(1) The words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **CARD HOLDER**~~
~~— **IDENTIFICATION CARD**~~
~~— **SELLER**~~
~~— **TRANSACTION SCAN**~~
~~— **TRANSACTION SCAN DEVICE**~~

(d) Shipment of tobacco products.

~~(1) The following phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **AUTHORIZED RECIPIENT OF TOBACCO PRODUCTS**~~
~~— **MOTOR CARRIER**~~

636.24 FAILING TO PROVIDE FOR A FUNCTIONALLY IMPAIRED PERSON.

~~—(d) The words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **CARETAKER**~~
~~— **FUNCTIONALLY IMPAIRED PERSON**~~

648.04 DISORDERLY CONDUCT.

~~—(f) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **COMMITTED IN THE VICINITY OF A SCHOOL**~~
~~— **EMERGENCY FACILITY**~~
~~— **EMERGENCY FACILITY PERSON**~~
~~— **EMERGENCY MEDICAL SERVICES PERSON**~~

648.06 MISCONDUCT AT AN EMERGENCY.

~~—(d) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **EMERGENCY FACILITY**~~
~~— **EMERGENCY FACILITY PERSON/ EMERGENCY FACILITY PERSONNEL**~~
~~— **EMERGENCY MEDICAL SERVICES PERSON/EMERGENCY MEDICAL SERVICES PERSONNEL**~~

648.10 MINORS CURFEW.

~~—(a) *Definitions.* The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **BUSINESS**~~
~~— **DRIVE OR RIDE AIMLESSLY**~~
~~— **LOITER**~~
~~— **MINOR**~~
~~— **OPERATOR**~~
~~— **PARENT**~~
~~— **PUBLIC PLACE**~~

648.11 STREET GANGS.

~~—(a) *Definitions.* The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **CRIMINAL GANG ACTIVITY**~~

~~— **CRIMINAL STREET GANG**~~
~~— **CRIMINAL STREET GANG MEMBER**~~

648.12 PANHANDLING.

~~—(a) *Definitions.* The following words and/or phrases used in this section are defined in Chapter 604, § 604.01:~~

~~— **AGGRESSIVE MANNER**~~
~~— **AUTOMATED-TELLER MACHINE**~~
~~— **FALSE OR MISLEADING REPRESENTATIONS**~~
~~— **PANHANDLING**~~
~~— **PUBLIC PROPERTY**~~
~~— **RIGHT OF WAY**~~

648.13 NUISANCE PARTY.

~~—(a) *Definitions.* The following words and/or phrases used in this section are defined in Chapter 604, § 604.01:~~

~~— **NUISANCE PARTY.**~~

660.03 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK AND THE LIKE.

~~—(a) *Definitions.* The following words and/or phrases used in this section are defined in Chapter 604, § 604.01:~~

~~— **CONSTRUCTION SITE**~~
~~— **GARBAGE**~~
~~— **JUNK**~~
~~— **LITTER**~~
~~— **PARK**~~
~~— **PERSON**~~
~~— **PRIVATE PREMISES**~~
~~— **PUBLIC PLACE**~~
~~— **PUBLIC RECEPTACLE**~~
~~— **REFUSE**~~
~~— **RUBBISH**~~

660.08 OPEN BURNING.

~~—(a) (1) *Definitions.* The following words and/or phrases used in this section are defined in Chapter 604, § 604.01:~~

~~— **AGRICULTURAL WASTE**~~
~~— **ECONOMIC POISONS**~~
~~— **EMERGENCY BURNING**~~
~~— **GARBAGE**~~
~~— **LAND CLEARING WASTE**~~
~~— **LANDSCAPE WASTE**~~
~~— **OHIO EPA**~~
~~— **OPEN BURNING**~~
~~— **RESIDENTIAL WASTE**~~
~~— **RESTRICTED AREA**~~
~~— **UNRESTRICTED AREA**~~

666.01 DEFINITIONS.

~~—The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~— **HARMFUL TO JUVENILES**~~
~~— **JUVENILE**~~

~~—**MATERIAL**~~
~~—**MENTAL HEALTH CLIENT OR PATIENT**~~
~~—**MENTAL HEALTH PROFESSIONAL**~~
~~—**MINOR**~~
~~—**NUDITY**~~
~~—**OBSCENE**~~
~~—**PERFORMANCE**~~
~~—**PROSTITUTE**~~
~~—**SADO-MASOCHISTIC ABUSE**~~
~~—**SEXUAL ACTIVITY**~~
~~—**SEXUAL CONDUCT**~~
~~—**SEXUAL CONTACT**~~
~~—**SEXUAL EXCITEMENT**~~
~~—**SPOUSE**~~

666.06 POLYGRAPH EXAMINATIONS FOR VICTIMS: RESTRICTIONS ON USE.

~~—(b) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~—**PEACE OFFICER**~~
~~—**POLYGRAPH EXAMINATION**~~
~~—**PROSECUTION**~~
~~—**PROSECUTOR**~~
~~—**PUBLIC OFFICIAL**~~
~~—**SEX OFFENSE**~~

666.08 SOLICITING.

~~—(c) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~—**PERSON WITH A DEVELOPMENTAL DISABILITY**~~
~~—**SEXUAL ACTIVITY FOR HIRE**~~

666.085 LOITERING TO ENGAGE IN SOLICITATION.

~~—(b) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~—**PUBLIC PLACE**~~
~~—**VEHICLE**~~

698.01 DEFINITIONS.

~~—The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.~~

~~—**DANGEROUS OFFENDER**~~
~~—**REPEAT OFFENDER**~~

(ORC 2935.36(E))

618.11 HUNTING PROHIBITED.

(a) **Prohibitions:** The hunting of animals or fowl within the City municipality is prohibited. No person shall hunt, kill, or attempt to kill any animal or fowl by the use of ~~firearms or~~ any means, unless authorized to do so by the Director of Public Safety **in cases of vermin infestation or nuisance birds** ~~under 678.09(b)~~.

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

(1964 Code §505.11; Ord. 06-34. Passed 05/25/06; Ord. 11-70. Passed 11/22/11; Ord. 2019-23. Passed **/**/**)

~~678.01 DEFINITIONS.~~

~~The following words and/or phrases used in this section are defined in Chapter 604, §604.01.~~

~~ALIEN REGISTRATION NUMBER~~

~~AUTOMATIC FIREARM~~

~~BALLISTIC KNIFE~~

~~CONCEALED HANDGUN LICENSE or LICENSE TO CARRY A CONCEALED HANDGUN~~

~~DANGEROUS ORDNANCE~~

~~DEADLY WEAPON~~

~~EXPLOSIVE~~

~~EXPLOSIVE DEVICE~~

~~FIREARM~~

~~HANDGUN~~

~~INCENDIARY DEVICE~~

~~SAWED-OFF FIREARM~~

~~SEMI-AUTOMATIC FIREARM~~

~~VALID CONCEALED HANDGUN LICENSE OR VALID LICENSE TO CARRY A CONCEALED
—HANDGUN~~

~~ZIP-GUN~~

(ORC 2923.11)

678.01 ~~678.09~~ DISCHARGING WEAPONS FIREARMS.

(a) **Prohibitions.** No person shall fire or discharge any weapon; dangerous ordnance; deadly weapon; firearm, regardless of its length; handgun; semi-automatic firearm; any military weapon, regardless of its actual age, that employs percussion cap or other obsolete ignition system or that is designed and safe for use only with black powder; any pistol, rifle or shotgun designed or suitable for sporting purposes, including a military weapon as issued or modified; any cannon or other artillery piece gun or other firearm within the City, except **as follows:**

- (1) The firing or discharge was in self-defense, defense of another or defense of that person's residence;**
- (2) The firing or discharge was by a law enforcement officer or investigator acting within the scope of the officer's or investigator's duties;**
- (3) The firing or discharge was done as part of a military salute, parade, re-enactment or other such situation that was pre-approved by the Director of Public Safety; or**
- (4) As otherwise permitted by the Director of Public Safety under Section 618.11 of this General Offenses Code.**

(b) **Definitions:** As used in this section, the following words and/or phrases shall be as defined as follows: in ORC 2923.11: "automatic firearm," "dangerous ordnance," "deadly weapon," "explosive," "explosive device," "firearm," "handgun," "incendiary device," "license to carry a concealed handgun," "misdemeanor punishable by imprisonment for a term exceeding one year," "sawed-off firearm," "semi-automatic firearm," except as otherwise provided herein No person shall discharge firearms within the city for the purpose of destroying birds which have become a nuisance without first making application to the Director of Public Safety and obtaining his or her written permission to do so. Such permission shall not extend for a period of more than 30 days and shall be issued, without cost, at the discretion of the Director.

(c) **Penalties.** Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(1964 Code §549.12; Ord. 2019-23. Passed **/**/**)

678.02 ~~678.13~~ **THROWING OBJECTS STONES AT PERSONS, OR VEHICLES OR ANIMALS.**

(a) **Prohibitions:** No person shall ~~recklessly willfully and~~ **or** maliciously throw, ~~or by other means propel, shoot, cast or sling, by hand or by means of a slingshot, bow, or any other device,~~ a stone, ~~or other hard~~ **object, or any arrow, missile or pellet,** substance at or towards any **of the following:**

- (1) Any other person for the purpose of injuring that other person;**
- (2) At any motor vehicle, whether that vehicle is parked or in motion, for any purpose; or**
- (3) At any animal or bird for the purposes of killing or injuring that animal or bird.**

(b) ~~No person shall willfully and maliciously throw a stone or other substance or shoot a missile at or from a bus or other motor vehicle.~~

(c) **Penalties:** Whoever violates this section is guilty of a ~~minor~~ misdemeanor **of the fourth degree.**

(1964 Code §549.13; Ord. 2019-23. Passed **/**/**)

678.03 ~~678.10~~ **FIREWORKS.**

(a) ~~Definitions.~~ The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.

- ~~— 1.3G FIREWORKS~~
- ~~— 1.4G FIREWORKS~~
- ~~— BEER and INTOXICATING LIQUOR~~
- ~~— BOOBY TRAP~~
- ~~— CIGARETTE LOAD~~
- ~~— CONTROLLED SUBSTANCE~~
- ~~— DISCHARGE SITE~~
- ~~— EXPLOSIVE~~
- ~~— FIREWORKS~~
- ~~— FIREWORKS INCIDENT~~
- ~~— FIREWORKS INCIDENT SITE~~
- ~~— FIREWORKS PLANT~~
- ~~— HIGHWAY~~
- ~~— LICENSED BUILDING~~
- ~~— LICENSED EXHIBITOR OF FIREWORKS or LICENSED EXHIBITOR~~
- ~~— LICENSED MANUFACTURER OF FIREWORKS or LICENSED MANUFACTURER~~
- ~~— LICENSED PREMISES~~
- ~~— LICENSED WHOLESALE OF FIREWORKS or LICENSED WHOLESALE~~
- ~~— MANUFACTURING OF FIREWORKS~~
- ~~— NOVELTIES and TRICK NOISEMAKERS~~
- ~~— PARTY POPPER~~
- ~~— PROCESSING OF FIREWORKS~~
- ~~— RAILROAD~~
- ~~— RETAIL SALE or SELL AT RETAIL~~
- ~~— SMOKE DEVICE~~
- ~~— SNAKE or GLOW WORM~~
- ~~— SNAPPER~~
- ~~— STORAGE LOCATION~~
- ~~— TRICK MATCH~~
- ~~— WHOLESALE SALE or SELL AT WHOLESALE~~
- ~~— WIRE SPARKLER~~

(ORC 3743.01)

~~—(b) *Manufacturing.*~~

~~—(1) No licensed manufacturer of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.05 or the requirements of Ohio R.C. 3743.06.~~

~~—(2) No licensed manufacturer of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.07, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.08.~~

~~—(3) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(1) within the specified period of time.~~

~~—(4) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72-hour period specified in those subsections has expired, whichever occurs first.~~

~~—(5) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a fireworks plant, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer pursuant to Ohio R.C. 3743.06(C).~~

~~—(6) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of a fireworks plant.
(ORC 3743.60(E)–(J))~~

~~—(c) *Wholesaling.*~~

~~—(1) No licensed wholesaler of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.18 or the requirements of Ohio R.C. 3743.19.~~

~~—(2) No licensed wholesaler of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.20, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.21.~~

~~—(3) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(1) within the specified period of time.~~

~~—(4) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72-hour period specified in those subsections has expired, whichever occurs first.~~

~~—(5) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a wholesaler of fireworks, except as smoking is authorized in specified lunchrooms or restrooms by a wholesaler pursuant to Ohio R.C. 3743.19(D).~~

~~—(6) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of a wholesaler of fireworks.
(ORC 3743.61(E)–(J))~~

~~—(d) *Purchasing and transporting.*~~

~~—(1) No person who resides in another state and purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with Ohio R.C. 3743.44.~~

~~—(2) No person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this state within 72 hours after the time of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.~~

~~—(3) No person who resides in this state and purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with Ohio R.C. 3743.45.~~

~~— (4) No person who resides in this state and who purchases fireworks in this state under Ohio R.C. 3743.45 shall obtain possession of the fireworks in this state other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of this state within 48 hours after the time of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.
(ORC 3743.63)~~

(e) **Exhibitions:** *Prohibited activities by exhibitors.*

- (1) ~~A licensed~~ **A licensed** An exhibitor of fireworks licensed under Ohio R.C. 3743.50 through 3743.55 who wishes to conduct a public fireworks exhibition shall apply for approval to conduct the exhibition to the Fire Chief ~~or fire prevention officer~~ and to the Police Chief ~~or other similar chief law enforcement officer~~, or the designee of the Police Chief ~~or other similar chief law enforcement officer~~, having jurisdiction over the premises.
- (2) The approval required by **division (a)(1)** ~~subsection (e)(1)~~ of this section shall be evidenced by the Fire Chief or fire prevention officer and by the Police Chief ~~or other similar chief law enforcement officer~~, or the designee of the Police Chief ~~or similar chief law enforcement officer~~, signing a permit for the exhibition, **on the exhibition permit form issued by the State Fire Marshal**. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the State Fire Marshal or, if available, from the Fire Chief, a fire prevention officer, the Police Chief ~~or other similar chief law enforcement officer~~, or a designee of the Police Chief ~~or other similar chief law enforcement officer~~.
- (3) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or fire prevention officer, in consultation with the Police Chief ~~or other similar chief law enforcement officer~~, or the designee of the Police Chief ~~or other similar chief law enforcement officer~~, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show his or her license as an exhibitor of fireworks to the Fire Chief or fire prevention officer.
- (4) The Fire Chief or fire prevention officer and the Police Chief ~~or other similar chief law enforcement officer~~, or the designee of the Police Chief ~~or other similar chief law enforcement officer~~, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the State Fire Marshal pursuant to ORC ~~Ohio R.C.~~ 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or fire prevention officer, in consultation with the Police Chief ~~or other similar chief law enforcement officer~~ or with the designee of the Police Chief ~~or other similar chief law enforcement officer~~, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke a permit for noncompliance with the rules.
- (5) If the **City Council** has prescribed a fee for the issuance of a permit for a public fireworks exhibition, the Fire Chief or fire prevention officer and Police Chief ~~or other similar chief law enforcement officer~~, or **his or her** ~~their~~ designee, shall not issue a permit until the exhibitor pays the requisite fee.
- (6) Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000) with surety satisfactory to the Fire Chief or fire prevention officer and to the Police Chief ~~or other similar chief law enforcement officer~~, or the designee of the Police Chief ~~or other similar chief law enforcement officer~~, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death, or loss to person or property emanating from the fireworks exhibitor, or proof of insurance coverage of at least one million dollars (\$1,000,000.00) for liability arising from injury, death, or loss of

- persons or property emanating from the fireworks exhibition. The ~~City Council~~ may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this division subsection. The Fire Chief or fire prevention officer and Police Chief ~~or other similar chief law enforcement officer~~, or his or her ~~their~~ designee, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required ~~by this subsection or by the Council~~.
- (7) Each permit for a fireworks exhibition issued by the Fire Chief or fire prevention officer, and by the Police Chief ~~or other similar chief law enforcement officer~~, or the designee of the Police Chief ~~or other similar chief law enforcement officer~~, shall contain a distinct number, designate the City municipality, and identify the certified fire safety inspector, Fire Chief, or fire prevention officer who will be present before, during and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or fire prevention officer, and by the Police Chief ~~or other similar chief law enforcement officer~~, or designee of the Police Chief ~~or other similar chief law enforcement officer~~, issuing it to the State Fire Marshal. A permit is not transferable or assignable.
- (8) The Fire Chief, ~~or~~ fire prevention officer, ~~and~~ Police Chief, and ~~or other similar chief law enforcement officer~~, or designee of the Police Chief ~~or other similar chief law enforcement officer~~, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, fire prevention officer, Police Chief, and ~~or other similar chief law enforcement officer~~, or designee of the Police Chief ~~or other similar chief law enforcement officer~~, shall list the name of the exhibitor, the exhibitor's ~~his or her~~ license number, the premises on which the exhibition will be conducted, the date and time of the exhibition, and the number and political subdivision designation of the permit issued to the exhibitor for the exhibition.
- (9) ~~The Council shall require that~~ A certified fire safety inspector, the Fire Chief, or fire prevention officer shall be present before, during and after the exhibition, and shall ~~require the certified fire safety inspector, Fire Chief or fire prevention officer to~~ inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this section and ORC Ohio R.C. Chapter 3743.
(ORC 3743.54)

(b) Exhibitor Prohibitions:

- (1) ~~(10)~~-No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the State Fire Marshal pursuant to ORC Ohio R.C. 3743.53(B) and (E) or to comply with divisions Ohio R.C. 3743.53(C) and (D) of that ORC section.
- (2) ~~(11)~~-No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to division (a) of this Section or ORC Ohio R.C. 3743.54 ~~or a substantially equivalent municipal ordinance~~, or if a permit so secured is revoked by the a Fire Chief or fire prevention officer, in consultation with the a Police Chief ~~or other similar chief law enforcement officer~~, or with a designee of the a Police Chief ~~or other similar chief law enforcement officer~~, pursuant to those sections.
- (3) ~~(12)~~ No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with ORC Ohio R.C. 3743.54 and 3743.55, ~~or a substantially equivalent municipal ordinance~~.
- (4) ~~(13)~~ No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.
- (5) ~~(14)~~ No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the State Fire Marshal under Ohio R.C. 3743.56.
(ORC 3743.64)

(c) ~~(f)~~ Unauthorized Possession, Sale, or Discharge of Fireworks: and advertising; falsification.

- (1) No person shall possess fireworks in this **City municipality** or shall possess for sale or sell fireworks in this **City municipality**, except a licensed manufacturer of fireworks as authorized by **ORC Ohio R.C.** 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by **ORC Ohio R.C.** 3743.15 through 3743.21, a shipping permit holder as authorized by **ORC Ohio R.C.** 3743.40, an out-of-state resident as authorized by **ORC Ohio R.C.** 3743.44, a resident of this state as authorized by **ORC Ohio R.C.** 3743.45, or a licensed exhibitor of fireworks as authorized by **ORC Ohio R.C.** 3743.50 through 3743.55, ~~or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes,~~ and except as provided in **ORC Ohio R.C.** 3743.80 ~~or a substantially equivalent municipal ordinance.~~
- (2) Except as provided in **ORC Ohio R.C.** 3743.80 ~~or a substantially equivalent municipal ordinance,~~ and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to **division (a) of this section and ORC Ohio R.C.** 3743.50 through 3743.55 ~~or a substantially equivalent municipal ordinance,~~ no person shall discharge, ignite, or explode any fireworks in this **City municipality**.
- (3) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.
- (4) No person shall sell fireworks of any kind to a person under eighteen (18) years of age. No person under eighteen (18) years of age shall enter a fireworks sales showroom **in this City** unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen (18) years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.
- (5) **Except as otherwise provided in ORC 3743.44,** no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder shall possess 1.3G fireworks in this **City municipality**.
(ORC 3743.65(A) - (E))

(d) ~~(g)~~ Unauthorized Transporting or and Shipping of Fireworks:

- (1) No person shall transport fireworks in this **City municipality** except in accordance with the rules adopted by the State Fire Marshal pursuant to **ORC Ohio R.C.** 3743.58.
- (2) As used in this **division subsection**, “fireworks” includes only 1.3G and 1.4G fireworks. No person shall ship fireworks into this **City municipality** by mail, parcel post or common carrier unless the person possesses a valid shipping permit issued under **ORC Ohio R.C.** 3743.40, and the fireworks are shipped directly to the holder of a license issued under **ORC Ohio R.C.** 3743.03, 3743.16 or 3743.51.
- (3) No person shall ship fireworks within this **City municipality** by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under **ORC Ohio R.C.** 3743.01, 3743.16 or 3743.51.
(ORC 3743.66)

~~—(h) *Exceptions.* This section does not prohibit or apply to the following:~~

- ~~—(1) The manufacture, sale, possession, transportation, storage or use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;~~
- ~~—(2) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes, or other signals necessary for the safe operation of railroads;~~
- ~~—(3) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals for ceremonial purposes;~~

- ~~— (4) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state of pyrotechnic devices;~~
 - ~~— (5) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;~~
 - ~~— (6) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms, or model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;~~
 - ~~— (7) The manufacture, sale, possession, transportation, storage or use of wire sparklers; or~~
 - ~~— (8) The conduct of radio controlled special effect exhibitions that use an explosive black powder charge of not more than one quarter pound per charge, and that are not connected in any manner to propellant charges; provided, that the exhibition complies with all of the following:~~
 - ~~— A. No explosive aerial display is conducted in the exhibition;~~
 - ~~— B. The exhibition is separated from spectators by not less than 200 feet;~~
 - ~~— C. The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.~~
- (ORC 3743.80)

(e) Arrest of Violator; Seizure and Forfeiture of Fireworks:

- (1) The fire marshal, an assistant fire marshal, or a certified fire safety inspector may arrest, or may cause the arrest of, any person the fire marshal, an assistant fire marshal, or certified fire safety inspector finds in the act of violating, or who the fire marshal, assistant fire marshal, or certified fire safety inspector has reasonable cause to believe has violated, any of the provisions of this section. Any arrest shall be made in accordance with statutory and constitutional provisions governing arrests by law enforcement officers.**
- (2) If the fire marshal, an assistant fire marshal, or certified fire safety inspector has probable cause to believe that fireworks are being manufactured, sold, possessed, transported, or used in violation of any of the provisions of this section or of ORC Chapter 3743., the fire marshal, assistant fire marshal, or certified fire safety inspector may seize the fireworks. Any seizure of fireworks shall be made in accordance with statutory and constitutional provisions governing searches and seizures by law enforcement officers. The fire marshal's or certified fire safety inspector's office shall impound at the site or safely keep seized fireworks pending the time they are no longer needed as evidence. A sample of the seized fireworks is sufficient for evidentiary purposes. The remainder of the seized fireworks may be disposed of pursuant to an order from a court of competent jurisdiction after notice and hearing.**
- (3) (i) ~~Forfeiture and disposal.~~ Fireworks manufactured, sold, possessed, transported or used in violation of this section **or ORC Chapter 3743.** shall be forfeited by the **violator** offender. The fire marshal's office or certified fire safety inspector's office shall dispose of seized fireworks pursuant to the procedures specified in **ORC Ohio R.C.** 2981.11 to 2981.13 for the disposal of forfeited property by law enforcement agencies, and the Fire Marshal or that office is not liable for claims for the loss of or damages to the seized fireworks.**
- (4) This section does not affect the authority of a peace officer, as defined in ORC 2935.01, to make arrests for violations of this section or ORC Chapter 3743. or to seize fireworks manufactured, sold, possessed, transported, or used in violation of this section or ORC Chapter 3743.**

(ORC 3743.68(B))

(h) Definitions: As used in this section, words and phrases shall have the same meaning as defined in ORC 3743.01.

(g) Penalties: (j) ~~Penalty:~~

- (1) ~~Except as otherwise provided in subsection (j)(2) or (j)(3) of this section, Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (ORC 3743.99)~~
- (2) **Any fines imposed for a violation of this section relating to the sale, purchase, possession, or discharge of fireworks shall be distributed to the City if the City either filed or enforced the complaint regarding the violation. (ORC 3743.68(D))** ~~If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 3743.60(I) or Ohio R.C. 3743.61(I), or a substantially equivalent municipal ordinance, a violation of subsection (b)(5) of this section or subsection (c)(5) of this section is a felony to be prosecuted under appropriate state law.~~
- (3) ~~Whoever violates subsection (e)(10) of this section is guilty of a misdemeanor of the first degree. In addition to any other penalties that may be imposed on a licensed exhibitor of fireworks under this subsection and unless the third sentence of this subsection applies, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be suspended, and the person is ineligible to apply for either type of license, for a period of five years. If the violation of subsection (e)(10) of this section results in serious physical harm to persons or serious physical harm to property, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be revoked, and that person is ineligible to apply for a license as or to be licensed as an exhibitor of fireworks or as an assistant exhibitor of fireworks in this state. (ORC 3743.99(C), (D))~~

~~678.14 SLINGSHOT, BOW AND ARROW OR AIR GUN.~~

~~(a) No person shall maliciously or recklessly, by hand or by means of a slingshot, bow, air gun, zip gun or other similar device, throw, shoot, cast or sling any stone, arrow, pellet or other similar missile.~~

~~(b) Whoever violates this section is guilty of a minor misdemeanor. (1964 Code §549.13)~~

1062.03 FIREARMS, FIREWORKS, EXPLOSIVES AND ARCHERY EQUIPMENT.

(a) **Firearms:** No person, except law enforcement officers or others authorized by the Ohio Revised Code, shall ~~carry, discharge or possess~~ any firearm of any description, air or gas gun or any other missile or projectile-throwing device, or the ammunition therefor, within a park without the express, written consent of the Director of **Public Safety Parks and Recreation**.

(b) **Fireworks:** No person shall possess, use or discharge any type of fireworks or explosives within a park without the express, written consent of the Director **of Public Safety**.

(c) **Archery Equipment:** No person shall release an arrow, or have in his or her possession an arrow or a bow, crossbow or longbow, within a park, other than in an area so designated for that purpose by the Chief of Police.

(d) **Causing Public Alarm:** No person, with purpose to interfere with the use or enjoyment of a park, shall employ or cause to be discharged any tear gas device, stink bomb, smoke generator or other device releasing a substance which is harmful or offensive to persons, plants or wildlife, or which tends to cause public alarm.

~~—(e) No person, except law enforcement officers, shall have any dangerous weapon or ordnance on or about his or her person while in any park or bikeway.~~

~~—(f) No person shall transport or have in a motor vehicle a firearm of any description, or any other dangerous weapon accessible to the operator or any passenger without leaving the motor vehicle, except as otherwise provided by law.~~

(Ord. 91-14. Passed 03/14/91; Ord. 19-23. Passed **/**/**)