



ORDINANCE O-15-2025

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEW ALBANY, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC NEW ALBANY CITY CODE SECTIONS 301.53, 301.54, 303.01, 333.01, 333.07, 335.04, 337.26; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority of the City of New Albany, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the city wishes to adopt these updates to the appropriate sections to maintain consistency with State of Ohio and code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin, and Licking, State of Ohio, that:

Section 1. The Code of Ordinances of the City of New Albany, Ohio is hereby amended by adding the provisions as provided under Section 6, below.

Section 2. The addition, amendment, or removal of New Albany City Code Sections when passed in such form as to indicate the intention of the council to make the same a part of the city's municipal code shall be deemed to be incorporated in the municipal code, so that reference to the municipal code includes the additions, amendments, and removals.

Section 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of New Albany, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the city's municipal code.

Section 4. Supplementation of Code

- (a) In preparing a supplement to city's municipal code, all portions of this ordinance which have been repealed shall be excluded from the city's municipal code by the omission thereof from reprinted pages.
- (b) When preparing a supplement to the city's municipal code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the city's municipal code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the city's municipal code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the city's municipal code which embody the substantive sections or the ordinance incorporated into the code); and
 - (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the city's municipal code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the city's municipal code.
- (c) In preparing a supplement to the city's municipal code, the pages of a supplement shall be so numbered that they will fit properly into the city's municipal code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the city's municipal code will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5. Provisions of Section 6 that duplicate or track state statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. The sections attached hereto as Exhibit A are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted, and enacted.

Section 7. If any section, subsection, sentence, clause, phrase or portion of the ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances. The governing authority of the City of New Albany, Ohio hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 9. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 10. Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 6th day of May, 2025.

Attest:



Matthew E. Shull
President Pro Tem



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	03/10/2025
Introduced:	04/01/2025
Revised:	04/09/2025 – Exhibit A
Adopted:	05/06/2025
Effective:	06/05/2025

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301.53 Natural Resources Officer

“Natural resources officer” means an officer appointed pursuant to Ohio, R.C. 1501.24.

State Law reference – (ORC 4511.01(XXX))

301.54 Wildlife Officer

“Wildlife officer” means an officer designated pursuant to Ohio R.C. 1531.13

State Law reference – (ORC 4511.01(YYY))

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

- (a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.
- (b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.
- (c) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. A violation of subsection (b) is ~~a misdemeanor of the first degree, unless the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:~~
 - ~~(1) In committing the offense, the offender was fleeing immediately after the commission of a felony;~~
 - ~~(2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;~~
 - ~~(3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.~~ felony and shall be prosecuted under appropriate state law.
- (d) In addition to any other sanction imposed for a violation of division (a) of this section ~~or a misdemeanor violation of division (b) of this section~~, the court shall impose a class five suspension from the range specified in ORC 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under ORC 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in ORC 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in ORC 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.

State Law reference— ORC 2921.331

333.01 DRIVING OR PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

- (a) Driving Under the Influence.

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- (1) No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:
 - A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - B. The person has a concentration of 0.08 percent or more but less than 0.17% by weight per unit volume of alcohol in the person's whole blood.
 - C. The person has a concentration of 0.096 percent or more but less than 0.204 percent by weight per unit volume of alcohol in the person's blood serum or plasma.
 - D. The person has a concentration of 0.08 grams or more but less than 0.17 grams by weight of alcohol per two hundred ten (210) liters of the person's breath.
 - E. The person has a concentration of 0.11 grams or more but less than 0.238 grams by weight of alcohol per one hundred (100) milliliters of the person's urine.
 - F. The person has a concentration of 0.17 percent or more by weight per unit volume of alcohol in the person's whole blood.
 - G. The person has a concentration of 0.204 percent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
 - H. The person has a concentration of 0.17 grams or more by weight of alcohol per two hundred ten (210) liters of the person's breath.
 - I. The person has a concentration of 0.238 grams or more by weight of alcohol per one hundred (100) milliliters of the person's urine.
 - J. Except as provided in division (k) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
 1. The person has a concentration of amphetamine in the person's urine of at least five hundred (500) nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred (100) nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
 2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty (150) nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
 3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty (150) nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
 4. The person has a concentration of heroin in the person's urine of at least two thousand (2,000) nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

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5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.
6. The person has a concentration of L.S.D. in the person's urine of at least twenty-five (25) nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
7. The person has a concentration of marihuana in the person's urine of at least ten (10) nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two (2) nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.
8. Either of the following applies:
 - a. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least fifteen (15) nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five (5) nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - b. The person has a concentration of marihuana metabolite in the person's urine of at least thirty-five (35) nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
9. The person has a concentration of methamphetamine in the person's urine of at least five hundred (500) nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred (100) nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
10. The person has a concentration of phencyclidine in the person's urine of at least twenty-five (25) nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
11. The State Board of Pharmacy has adopted a rule pursuant to ORC 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle, streetcar, or trackless trolley within this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

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- (2) No person who, within twenty (20) years of the conduct described in division (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of this division or a substantially equivalent state law or municipal ordinance, a violation of division (a)(1) of this section or a substantially equivalent state law or municipal ordinance, or any other equivalent offense shall do both of the following:
- A. Operate any vehicle within this Municipality while under the influence of alcohol, a drug of abuse, or a combination of them;
 - B. Subsequent to being arrested for operating the vehicle as described in division (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under ORC 4511.191 or any substantially equivalent municipal ordinance, and being advised by the officer in accordance with ORC 4511.192 or any substantially equivalent municipal ordinance of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.
- (b) Underage Alcohol Consumption. No person under twenty-one (21) years of age shall operate any vehicle within this Municipality if, at the time of the operation, any of the following apply:
- (1) The person has a concentration of at least 0.02 percent but less than 0.08 percent by weight per unit volume of alcohol in the person's whole blood;
 - (2) The person has a concentration of at least 0.03 percent but less than 0.096 percent by weight per unit volume of alcohol in the person's blood serum or plasma;
 - (3) The person has a concentration of at least 0.02 grams but less than 0.08 grams by weight of alcohol per two hundred ten (210) liters of the person's breath;
 - (4) The person has a concentration of at least 0.028 grams but less than 0.11 grams by weight of alcohol per one hundred (100) milliliters of the person's urine.
- (c) Prosecution; Limitation on Convictions. In any proceeding arising out of one (1) incident, a person may be charged with a violation of division (a)(1)A. or (a)(2) and a violation of division (b)(1), (2), or (3) of this section, but the person may not be convicted of more than one (1) violation of these divisions.
- (d) Evidence; Tests.
- (1) A. In any criminal prosecution or juvenile court proceeding for a violation of division (a)(1)A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, or urine withdrawn and analyzed at any health care provider, as defined in ORC 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.
 - B. In any criminal prosecution for a violation of division (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three (3) hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in ORC 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described

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in this division when a person submits to a blood or oral fluid test at the request of a law enforcement officer under ORC 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath, oral fluid, or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this division (d)(1)B. shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to ORC 3701.143.

- C. As used in division (d)(1)B. of this section, "Emergency medical technician-intermediate" and "Emergency medical technician-paramedic" have the same meanings as in ORC 4765.01.
- (2) In a criminal prosecution for a violation of division (a) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (a)(1)B., (a)(1)C., (a)(1)D. and (a)(1)E. of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution for a violation of division (b) of this section.
- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to division (d)(1)B. of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in ORC 4511.191(A)(5), the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in ORC 4511.191(A)(5), the form to be read to the person to be tested, as required under division (g) of this section, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.
- (4) A. As used in division (d)(4)B. and C. of this section, "National Highway Traffic Safety Administration" means the National Highway Traffic Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C. 105.
- B. In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the blood, whole blood,

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blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.
2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
3. If testimony is presented or evidence is introduced under division (d)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C. Division (d)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (d)(4)B. of this section.

(e) Laboratory Report.

(1) Subject to division (e)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (a)(1)B., (a)(1)C., (a)(1)D., (a)(1)E., (a)(1)F., (a)(1)G., (a)(1)H., (a)(1)I. or (a)(1)J. or (b)(1), (b)(2), (b)(3), or (b)(4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

- A. The signature, under oath, of any person who performed the analysis;
- B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;
- C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;
- D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (e)(1) of this section is not admissible against the defendant to whom

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it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

- (3) A report of the type described in division (e)(1) of this section shall not be prima facie evidence of the contents, identity, or amount of any substance if, within seven (7) days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(f) Limitation of Liability.

- (1) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or ORC 4511.19, 4511.191 or 4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or ORC 4511.19, 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.
- (2) As used in division (f)(1), "Emergency medical technician-intermediate" and "Emergency medical technician-paramedic" have the same meanings as in ORC 4765.01.

(g) Implied Consent.

- (1) Definitions. As used in this section:

A. "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

B. "Physical control" has the same meaning as in ORC 4511.194.

- (2) Implied Consent to Chemical Tests. Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this Municipality or who is in physical control of a vehicle shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (a), (b) or (c) of this section, ORC 4511.19(A) or (B), ORC 4511.194 or a substantially equivalent municipal ordinance, or any other municipal O.V.I. ordinance.
- (3) The chemical test or tests under division (g)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle in violation of a division, section, or ordinance identified in division

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(g)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

- (4) Effect of Death or Unconsciousness. Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (g)(2) of this section and the test or tests may be administered, subject to ORC 313.12 to 313.16.
- (5) A. If a law enforcement officer arrests a person for a violation of ORC 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance and if the person if convicted would be required to be sentenced under ORC 4511.19(G)(1)(c), (d), or (e), the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (g)(7) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (g)(3) and (g)(4) of this section apply to the administration of a chemical test or tests pursuant to this division.
- B. If a person refuses to submit to a chemical test upon a request made pursuant to division (g)(5)A. of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.
- (6) Advice Required. Except as provided in division (g)(5) of this section, the arresting law enforcement officer shall give advice in accordance with this division to any person under arrest for a violation of division (a), (b) or (o) of this section, ORC 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or any other municipal O.V.I. ordinance. The officer shall give that advice in a written form that contains the information described in division (g)(7) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One (1) or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two (2) hours of the time of the alleged violation and, if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.
- (7) Certification of Arrest. Except as provided in division (g)(5) of this section, if a person is under arrest as described in division (g)(6) of this section, before the person may be requested to submit

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to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine, the arresting officer shall read the following form to the person:

"You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested - operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

"If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of O.V.I., or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under State or municipal law within the preceding twenty (20) years, you are now under arrest for State O.V.I., and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the State O.V.I. (Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

"If you take a chemical test, you may have an independent chemical test taken at your own expense."

- (8) Actions Required by Arresting Officer. If the arresting law enforcement officer does not ask a person under arrest as described in division (g)(5) or (g)(6) of this section to submit to a chemical test or tests under ORC 4511.191 or this section, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four (24) hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under ORC 4511.196.
- (9) A. If a law enforcement officer asks a person under arrest as described in division (g)(5) of this section to submit to a chemical test or tests under that division and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, or if a law enforcement officer asks a person under arrest as described in division (g)(6) of this section to submit to a chemical test or tests under ORC 4511.191 or this section, if the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and if either the person refuses to submit to the test or tests or, unless the arrest was for a violation of division (o) of this section, ORC 4511.194 or a substantially equivalent municipal ordinance, the person submits to the test or

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tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, the arresting officer shall do all of the following:

1. On behalf of the Registrar of Motor Vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person's Ohio driver's or commercial driver's license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person's initial appearance on the charge, which will be held within five (5) days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending thirty (30) days after that initial appearance;
2. Seize the driver's or commercial driver's license or permit of the person and immediately forward it to the Registrar. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four (24) hours after the person is given notice of the suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the Registrar;
3. Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the Registrar of the change;
4. Send to the Registrar, within forty-eight (48) hours after the arrest of the person, a sworn report that includes all of the following statements:
 - a. That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle in violation of ORC 4511.19(A) or (B) or a municipal O.V.I. ordinance or for being in physical control of a stationary vehicle in violation of ORC 4511.194 or a substantially equivalent municipal ordinance;
 - b. That the person was arrested and charged with a violation of ORC 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance;
 - c. Unless division (g)(9)A.4.e. of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (g)(7) of this section;
 - d. Unless division (g)(9)A.4.e. of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of ORC 4511.194 or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense;
 - e. If the person was under arrest as described in division (g)(5) of this section and the chemical test or tests were performed in accordance with that division, that the person was under arrest as described in that division, that the chemical test or tests

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were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

- B. Division (g)(9)A. of this section does not apply to a person who is arrested for a violation of division (o) of this section, ORC 4511.194 or a substantially equivalent municipal ordinance, or any other substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under this section, and who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite of a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, oral fluid, or urine.

(10) Sworn Report of Arresting Officer.

- A. The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the Registrar of Motor Vehicles shall send the report to the person by regular first class mail as soon as possible after receipt of the report, but not later than fourteen (14) days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than forty-eight (48) hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.
- B. The sworn report of an arresting officer completed under this section is prima facie proof of the information and statements that it contains. It shall be admitted and considered as prima facie proof of the information and statements that it contains in any appeal under ORC 4511.197 relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.

- (11) Suspension Effective Immediately. A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in ORC 4511.191(B) or (C) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person's being requested to take the chemical test or tests under division (g)(1) through (g)(5) of this section does not affect the suspension.

- (12) Initial Appearance. If a person arrested for operating a vehicle in violation of division (a) or (b) of this section, ORC 4511.19(A) or (B), or any other municipal O.V.I. ordinance, or for being in physical control of a vehicle in violation of division (o) of this section or ORC 4511.194 or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under ORC 4511.191(B) or (C) or ORC Ch. 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five (5) days of the persons' arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to ORC 4511.197 regarding the issues specified in that section.

(h) Penalty for Driving Under the Influence.

- (1) Whoever violates any provisions of divisions (a)(1)A. through (a)(1)I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (a)(1)J. of this section is guilty of operating a vehicle while under

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the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under ORC Ch. 2929, except as otherwise authorized or required by divisions (h)(1)A. through (h)(1)E. of this section:

- A. Except as otherwise provided in division (h)(1)B., C., D., or E. of this section, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to all of the penalties and sanctions provided in ORC 4511.19(G)(1)(a)(i) to (iv).
 - B. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within six (6) years of the offense previously has been convicted of or pleaded guilty to one (1) violation of division (a) of this section, or one (1) other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the penalties and sanctions provided in ORC 4511.19(G)(1)(b)(i) to (v).
 - C. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within six (6) years of the offense, previously has been convicted of or pleaded guilty to two (2) violations of division (a) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in ORC 4511.19(G)(1)(c)(i) to (vi).
 - D. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within six (6) years of the offense, previously has been convicted of or pleaded guilty to three (3) or more violations of division (a) of this section or other equivalent offenses, an offender who, within twenty (20) years of the offense, previously has been convicted of or pleaded guilty to five (5) or more violations of that nature, or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in ORC 2941.1413 is guilty of a felony to be prosecuted under appropriate state law.
 - E. An offender who previously has been convicted of or pleaded guilty to a violation of ORC 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony to be prosecuted under appropriate state law.
- (2) An offender who is convicted of or pleads guilty to a violation of division (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section or ORC 4511.19 as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in ORC 4511.191(F)(2).
- (3) A. If an offender is sentenced to a jail term under ORC 4511.19(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) and if, within sixty (60) days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence as specified in ORC 4511.19(G)(3) that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.
- B. As an alternative to the mandatory jail terms as required by ORC 4511.19(G)(1), the court may sentence the offender as provided in ORC 4511.19(G)(3).
- (4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (h) of this section or ORC 4511.19(G) and if ORC 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires the court impose as a

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condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under ORC 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one (1) of the conditions of the limited driving privileges granted to the offender, except as provided in ORC 4503.231(B).

- (5) Fines imposed under this section for a violation of division (a) of this section shall be distributed as provided in ORC 4511.19(G)(5).
- (6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (h)(1)C., D., or E. of this section is assigned or transferred and ORC 4503.234(B)(2) or (3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Dealer's Association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.
- (7) In all cases in which an offender is sentenced under division (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to Section 501.99(f) or ORC 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (h) of this section.
- (8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:
 - A. The offender is convicted of or pleads guilty to a violation of division (a) of this section.
 - B. The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.
 - C. The test or tests indicated that the offender had a one of the following at the time of offense:
 - i. A prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine at the time of the offense;
 - ii. A drug of abuse or a metabolite of a drug abuse in the offender's oral fluid.
- (9) As used in division (g) of this section, "electronic monitoring" has the same meaning as in ORC 2929.01.
- (i) Penalty for Operating a Vehicle After Underage Alcohol Consumption. Whoever violates division (b) of this section is guilty of operating a motor vehicle after underage alcohol consumption and shall be punished as follows:
 - (1) Except as otherwise provided in division (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six (6) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(6). The court may grant limited driving privileges relative to the suspension under ORC 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under ORC 4510.022. If the court grants unlimited driving

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- privileges under ORC 4510.022, the court shall suspend any jail term imposed under division (H)(1) of this section as required under that section.
- (2) If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) or more violations of division (a) of this section or other equivalent offense or offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four (4) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(4). The court may grant limited driving privileges relative to the suspension under ORC 4510.021 and 4510.13.
 - (3) The offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Section 501.99(f) or ORC 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (b) of this section.
 - (j) (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under ORC Ch. 3793 by the Director of Alcohol and Drug Addiction Services.
 - (2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.
 - (k) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section or ORC 4511.19 files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.
 - (l) Division (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:
 - (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
 - (2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
 - (m) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (a)(1)J. of this section also apply in a prosecution of a violation of ORC 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.
 - (n) All terms defined in ORC 4510.01 apply to this section. If the meaning of a term defined in ORC 4510.01 conflicts with the meaning of the same term as defined in ORC 4501.01 or 4511.01, the term as defined in ORC 4510.01 applies to this section.
 - (o) Physical Control of Vehicle While Under the Influence.

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- (1) Definition. As used in this division, "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.
- (2) Generally. No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:
- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - B. The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in divisions (a)(1)B., (a)(1)C., (a)(1)D., or (a)(1)E. of this section.
 - C. Except as provided in division (o)(5) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in division (a)(1)J. of this section.
- (3) A. In any criminal prosecution or juvenile court proceeding for a violation of this section, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally acceptable field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect what were set by the National Highway Traffic Safety Administration, all of the following apply:
- 1. The officer may testify concerning the results of the field sobriety test so administered.
 - 2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
 - 3. If testimony is presented or evidence is introduced under division (o)(3)A.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.
- B. Division (o)(3)A. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (o)(3)A. of this section.
- (4) Penalty. Whoever violates this division (o) is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven (7) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(7).
- (5) Exception. Division (o)(2)C. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in division (a)(1)J. of this section if both of the following apply:

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- A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
 - B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
- (p) As used in this section:
- (1) "Community residential sanction," "continuous alcohol monitoring," "jail," "mandatory prison term," "mandatory term of local incarceration," "prison term," and "sanction" have the same meanings as in ORC 2929.01.
 - (2) "Drug of abuse" has the same meaning as in ORC 4506.01.
 - (3) "Equivalent offense" means any of the following:
 - A. A violation of ORC 4511.19(A);
 - B. A violation of a municipal O.V.I. ordinance;
 - C. A violation of ORC 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;
 - D. A violation of ORC 2903.06(A)(1) or ORC 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;
 - E. A violation of ORC 2903.06(A)(2), (A)(3), or (A)(4), ORC 2903.08(A)(2), or former ORC 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;
 - F. A violation of ORC 1547.11(A);
 - G. A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;
 - H. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to ORC 4511.19(A) or 1547.11(A);
 - I. A violation of a former law of this state that was substantially equivalent to ORC 4511.19(A) or 1547.11(A).
 - (4) "Equivalent offense that is vehicle-related" means an equivalent offense that is any of the following:
 - A. A violation described in division A., B., C., D., or E. of the definition for "equivalent offense" provided in this division (p);
 - B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to ORC 4511.19(A);
 - C. A violation of a former law of this State that was substantially equivalent to ORC 4511.19(A).

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- (5) "Mandatory jail term" means the mandatory term in jail of 3, 6, 10, 20, 30, or sixty (60) days that must be imposed under ORC 4511.19(G)(1)(a), (G)(1)(b), or (G)(1)(c) upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:
- A. Except as specifically authorized under ORC 4511.19, the term must be served in a jail.
 - B. Except as specifically authorized under ORC 4511.19, the term cannot be suspended, reduced, or otherwise modified pursuant to ORC 2929.21 through 2929.28 or any other provision of the Ohio Revised Code.
- (6) "Municipal O.V.I. ordinance" and "municipal O.V.I. offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(Ord. O-22-2020. Passed 11-17-20; Ord. O-13-2024. Passed 5-7-24.)

State Law reference— Disposition of fines, immobilization of vehicle and impoundment of license plates, criminal forfeiture for municipal ordinance conviction, see ORC 4511.193

Effect of refusal to submit to test, seizure of license, suspension periods, appeal procedures, occupational driving privileges, and indigent drivers alcohol treatment funds, see ORC 4511.191

Judicial pretrial suspension, initial appearance, see ORC 4511.196

Mayor's Court to suspend driver's license, see ORC 1905.201

Seizure of vehicles upon arrest, see ORC 4511.195

Trial judge to suspend driver's license, see ORC 4510.05

State Law reference— ORC 4511.19(A)—(F); ORC 4511.19(G)—(M); ORC 4511.181; ORC 4511.191(A); ORC 4511.191(D); ORC 4511.192; ORC 4511.194

333.07 STREET RACING PROHIBITED.

(a) As used in this section and section Ohio R.C. 4510.036:

- (1); ~~street~~ Street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

~~Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants.~~ The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 333.03 or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

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(2) “Burnout” means a maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.

(3) “Doughnut” means a maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.

(4) “Drifting” means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.

(5) “Wheelie” means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(6) “Stunt driving” means performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.

(7) “Street takeover” means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

(b) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street or highway in this Municipality, or private property that is open to the general public.

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this subsection.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon.

State Law reference— ORC 4511.251

335.04 CERTAIN ACTS PROHIBITED.

(a) No person shall do any of the following:

- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
- (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

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- (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
- (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any ~~physician's~~ statement required under ORC 4507.08 or 4507.081 when knowing the same to be false or fictitious.

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

(Ord. O-36-2022. Passed 11-15-22)

State Law reference— ORC 4507.30

337.26 CHILD RESTRAINT SYSTEM USAGE.

- (a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:
 - (1) A child who is less than four (4) years of age;
 - (2) A child who weighs less than forty (40) pounds.
- (b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:
 - (1) A child who is less than four (4) years of age;
 - (2) A child who weighs less than forty (40) pounds.
- (c) When any child who is less than eight (8) years of age and less than four (4) feet nine (9) inches in height, who is not required by division (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in ORC 4511.01 or a vehicle that is regulated under ORC 5104.015, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.
- (d) When any child who is at least eight (8) years of age but not older than fifteen (15) years of age, and who is not otherwise required by division (a), (b), or (c) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety

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vehicle as defined in ORC 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in ORC 4513.263.

- (e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed.
- (f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.
- (g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or in an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.
- (h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under ORC Ch. 4731, a clinical nurse specialist or certified nurse practitioner licensed to practice in this state under ORC Ch. 4723, or a chiropractor licensed to practice in this state under ORC Ch. 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse, or chiropractor as noted on the affidavit.
- (i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.
- (j) (1) Whoever violates division (a), (b), (c), or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one (1) child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:
 - A. Except as otherwise provided in division (j)(1)B. of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).

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B. If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially equivalent any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (j)(1) of this section shall be forwarded to the State Treasurer for deposit in the Child Highway Safety Fund created by ORC 4511.81(I).

(Ord. O-13-2024. Passed 5-7-24.)

State Law reference— ORC 4511.81(A)—(H), (K), (L)



ORDINANCE O-16-2025

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEW ALBANY, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES NEW ALBANY CITY CODE SECTIONS 513.01, 513.13, AND 525.05; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority of the City of New Albany, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the city wishes to adopt these updates to the appropriate sections to maintain consistency with State of Ohio and modernize city code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin, and Licking, State of Ohio, that:

Section 1. The Code of Ordinances of the City of New Albany, Ohio is hereby amended by adding the provisions as provided under Section 6, below.

Section 2. The addition, amendment, or removal of New Albany City Code Sections when passed in such form as to indicate the intention of the council to make the same a part of the city's municipal code shall be deemed to be incorporated in the municipal code, so that reference to the municipal code includes the additions, amendments, and removals.

Section 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of New Albany, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the city's municipal code.

Section 4. Supplementation of Code

- (a) In preparing a supplement to city's municipal code, all portions of this ordinance which have been repealed shall be excluded from the city's municipal code by the omission thereof from reprinted pages.
- (b) When preparing a supplement to the city's municipal code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the city's municipal code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the city's municipal code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the city's municipal code which embody the substantive sections or the ordinance incorporated into the code); and
 - (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the city's municipal code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the city's municipal code.
- (c) In preparing a supplement to the city's municipal code, the pages of a supplement shall be so numbered that they will fit properly into the city's municipal code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the city's municipal code will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5. Provisions of Section 6 that duplicate or track state statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. The sections attached hereto as Exhibit A are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted, and enacted.

Section 7. If any section, subsection, sentence, clause, phrase or portion of the ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances. The governing authority of the City of New Albany, Ohio hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 9. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 10. Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 6th day of May, 2025.

Attest:



Matthew E. Shull
President Pro Tem



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 03/10/2025

Introduced: 04/15/2025

Revised:

Adopted: 05/06/2025

Effective: 06/05/2025

EXHIBIT A – O-16-2025**513.01 DEFINITIONS.**

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

- (a) "Administer." The direct application of a drug, whether by injection, inhalation, ingestion, or any other means to a person or an animal.
- (b) "Adulterate." To cause a drug to be adulterated as described in ORC 3715.63.
- (c) "Bulk amount." Of a controlled substance means any of the following:
 - (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of any controlled substance, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (2), (5), or (6) of this definition, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten (10) grams or twenty-five (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 (10) grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding thirty (30) grams or ten (10) unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty (20) grams or five (5) 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 (5) grams or ten (10) unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;
 - F. An amount equal to or exceeding one hundred twenty (120) grams or thirty (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 (3) 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;

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- (2) An amount equal to or exceeding one hundred twenty (120) grams or thirty (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 twenty (20) grams or five (5) 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 two hundred fifty (250) milliliters or two hundred fifty (250) grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule V substance.
- (5) An amount equal to or exceeding two hundred (200) solid dosage units, sixteen (16) grams, or sixteen (16) milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III anabolic steroid.
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of ORC 2925.11 and the sentencing provisions set forth in divisions (c)(10)(b) and (c)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (d)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.
- (d) "Certified grievance committee." A duly constituted and organized committee of the Ohio State Bar Association or of one (1) 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.
- (e) "Cocaine." Any of the following:
 - (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
 - (2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
 - (3) A salt, compound, derivative, or preparation of a substance identified in division (1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (f) "Committed in the vicinity of a juvenile." An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred (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 one hundred (100) feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (g) "Committed in the vicinity of a school." An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand (1,000) feet of the boundaries of any school premises, regardless of whether the offender knows

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the offense is being committed on school premises, in a school building, or within one thousand (1,000) feet of the boundaries of any school premises.

(h) "Controlled substance." A drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V of ORC 3719.41.

(i) "Controlled substance analog."

(1) The phrase means, except as provided in division (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 (1) 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 division (2)C. of this definition takes effect with respect to that substance.

(3) Except as otherwise provided in ORC 2925.03 or 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.

(j) "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.

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- (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.
- (k) "Crack cocaine." A compound, mixture, preparation, or substance that is or contains any amount of cocaine that is analytically identified as the base form of cocaine or that is in a form that resembles rocks or pebbles generally intended for individual use.
- (l) "Cultivate." Includes planting, watering, fertilizing or tilling.
- (m) "Dangerous drug." Any of the following:
 - (1) Any drug to which either of the following applies:
 - A. Under the Federal Food, Drug, and Cosmetic Act, is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without a prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or may be dispensed only upon a prescription.
 - B. Under ORC Ch. 3715 or 3719, may be dispensed only upon a prescription.
 - (2) Any drug that contains a Schedule V controlled substance and that is exempt from ORC Ch. 3719 or to which that chapter does not apply.
 - (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.
- (n) "Deception." Has the same meaning as in ORC 2913.01.
- (o) "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.
- (p) "Dispense." Means to sell, leave with, give away, dispose of, or deliver.
- (q) "Distribute." Means to deal in, ship, transport or deliver, but does not include administering or dispensing a drug.
- (r) "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.
 - (4) Any article intended for use as a component of any article specified in division (1), (2), or (3) above; but does not include devices or their components, parts, or accessories.
- (s) "Drug abuse offense." Any of the following:
 - (1) A violation of ORC 2913.02(A) that constitutes theft of drugs, or any violation of ORC 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.

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- (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 division (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 division (1), (2), or (3) of this definition.
- (t) "Person with a drug dependency." 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.
- (u) "Drug of abuse." Any controlled substance, any harmful intoxicant, and any dangerous drug, as defined in this section.
- (v) "Federal drug abuse control laws." The "Comprehensive Drug Abuse Prevention and Control Act of 1970," 21 U.S.C. 801 et seq., as amended.
- (w) "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.
- (x) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:
 - (1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent.
 - B. Any aerosol propellant.
 - C. Any fluorocarbon refrigerant.
 - D. Any anesthetic gas.
 - (2) Gamma Butyrolactone;
 - (3) 1,4 Butanediol.
- (y) "Hashish." a resin or a preparation of a resin to which both the following apply:
 - (1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
 - (2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

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- (z) "Hypodermic." A hypodermic syringe or needle, or other instrument or device for the injection of medication.
- (aa) "Juvenile." A person under eighteen (18) years of age.
- (bb) "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.
- (cc) "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 Ch. 4715.
 - (2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under ORC 4723.48.
 - (3) An optometrist licensed under ORC Ch. 4725 to practice optometry.
 - (4) A physician authorized under ORC Ch. 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.
 - (5) A physician assistant who holds a certificate to prescribe issued under ORC Ch. 4730.
 - (6) A veterinarian licensed under ORC Ch. 4741;
 - (7) A certified mental health assistant licensed under ORC Ch. 4772 who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.
- (dd) "L.S.D." Lysergic acid diethylamide.
- (ee) "Major drug offender." Has the same meaning as in ORC 2929.01.
- (ff) "Mandatory prison term." Has the same meaning as in ORC 2929.01.
- (gg) "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.
- (hh) "Manufacturer." A person who manufactures a controlled substance, as "manufacture" is defined by this section.
- (ii) "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."
- (jj) "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.
- (kk) "Minor drug possession offense." Either of the following:

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- (1) A violation of ORC 2925.11 as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
- (2) A violation of ORC 2925.11 as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- (ll) "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.
- (mm) "Person." Means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association or other legal entity.
- (nn) "Pharmacist." A person licensed under ORC Ch. 4729 to engage in the practice of pharmacy.
- (oo) "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.
- (pp) "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.
- (qq) "Prescription." 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.
- (rr) "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.
- (ss) "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 (36) and that qualifies a person as a professionally licensed person.
- (tt) "Professionally licensed person." Any of the following:
 - (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under ORC Ch. 4701 and who holds an Ohio permit issued under that chapter;
 - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under ORC Ch. 4703;
 - (3) A person who is registered as a landscape architect under ORC Ch. 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under ORC Ch. 4707;
 - (5) A person who has been issued a ~~certificate of registration as a registered barber's license,~~ barber instructor's license, assistant barber instructor's license, or independent contractor's license under ORC Ch. 4709;
 - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of ORC Ch. 4710;

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- (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license to practice cosmetology, advanced license to practice hair design, advanced hair designer's license license to practice manicuring, advanced manicurist's license to practice esthetics, advanced esthetician's license, advanced license to practice natural hair stylist's license styling, 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 Ch. 4713;
- (8) 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 Ch. 4715;
- (9) 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 Ch. 4717;
- (10) 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 Ch. 4723;
- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under ORC Ch. 4725;
- (12) A person licensed to act as a pawnbroker under ORC Ch. 4727;
- (13) A person licensed to act as a precious metals dealer under ORC Ch. 4728;
- (14) A person licensed under ORC Ch. 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;
- (15) A person licensed under ORC Ch. 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under ORC Ch. 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 Ch. 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist, independent school psychologist, or school psychologist under ORC Ch. 4732;
- (19) A person registered to practice the profession of engineering or surveying under ORC Ch. 4733;
- (20) A person who has been issued a license to practice chiropractic under ORC Ch. 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under ORC Ch. 4735;
- (22) A person registered as a registered environmental health specialist under ORC Ch. 3776;
- (23) A person licensed to operate or maintain a junkyard under ORC Ch. 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under ORC Ch. 4738;
- (25) A person who has been licensed to act as a steam engineer under ORC Ch. 4739;

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- (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 Ch. 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under ORC Ch. 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 Ch. 4749;
- (29) A person licensed and registered to practice as a nursing home administrator under ORC Ch. 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under ORC Ch. 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under ORC Ch. 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, or registered as a social work assistant under ORC Ch. 4757;
- (33) A person issued a license to practice dietetics under ORC Ch. 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under ORC Ch. 4761;
- (35) A person who has been issued a real estate appraiser certificate under ORC Ch. 4763;
- (36) A person who has been issued a home inspector license under ORC Ch. 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules;
- (38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772 of the Revised Code.
- (uu) "Public premises." Any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.
- (vv) "Sale." 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.
- (ww) "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.
- (xx) "Schedule I, II, III, IV or V." Controlled substance Schedules I, II, III, IV, and V established pursuant to ORC 3719.41, as amended pursuant to ORC 3719.43 or 3719.44.
- (yy) "School." Any school operated by a board of education, any community school established under ORC Ch. 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under ORC 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.

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- (zz) "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.
- (aaa) "School premises." Either of the following:
- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under ORC Ch. 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under ORC 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.
- (bbb) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State of Board of Pharmacy.
- (ccc) "Theft offense." Has the same meaning as in ORC 2913.01.
- (ddd) "Unit dose." An amount or unit or a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
- (eee) "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.
- (fff) "Delta-9 tetrahydrocannabinol" has the same meaning as in ORC 928.01.
- (ggg) An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:
- (1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under ORC 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under ORC 5119.37, or within five hundred (500) feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.
 - (2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within thirty (30) days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.
- (hhh) "Substance addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one (1) or more of the following at a facility:

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- (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the director of mental health and addiction services under ORC 5119.36;
- (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.
- (iii) "Premises of a substance addiction services provider's facility" means the parcel of real property on which any substance addiction service provider's facility is situated.
- (jjj) "Alcohol and drug addiction services" has the same meaning as in ORC 5119.01.
- (kkk) "Overdose reversal drug" means both of the following:
 - (1) Naloxone;
 - (2) Any other drug that the state board of pharmacy, through rules adopted in accordance with ORC Ch. 119., designates as a drug that is approved by the federal food and drug administration for the reversal of a known or suspected opioid-related overdose.

(Ord. O-21-2020. Passed 11-17-20; Ord. O-35-2022. Passed 11-15-22; Ord. O-14-2024. Passed 5-7-24.)

State Law reference— ORC 2925.01, 3719.01, 3719.011, 3719.013, 4729.01

513.13 COUNTERFEIT CONTROLLED SUBSTANCES.

- (a) No person shall knowingly possess any counterfeit controlled substance.
- ~~(b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree.~~
- (b) No person shall knowingly make, sell, offer to sell, or deliver any substance that the person knows is a counterfeit controlled substance.
- (c) No person shall make, possess, sell, offer to sell, or deliver any punch, die, plate, stone, or other device knowing or having reason to know that it will be used to print or reproduce a trademark, trade name, or other identifying mark upon a counterfeit controlled substance.
- (d) No person shall sell, offer to sell, give, or deliver any counterfeit controlled substance to a juvenile.
- (e) No person shall directly or indirectly represent a counterfeit controlled substance as a controlled substance by describing its effects as the physical or psychological effects associated with use of a controlled substance.
- (f) No person shall directly or indirectly falsely represent or advertise a counterfeit controlled substance as a controlled substance. As used in this division, "advertise" means engaging in "advertisement," as defined in ORC 3715.01.
- (g) Whoever violates division (a) of this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree.

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(h) Whoever violates division (b) or (c) of this section is guilty of trafficking in counterfeit controlled substances. Except as otherwise provided in this division, trafficking in counterfeit controlled substances is a felony of the fifth degree, and division (c) of ORC 2929.13 applies in determining whether to impose a prison term on the offender. If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in counterfeit controlled substances is a felony of the fourth degree, and division (c) of ORC 2929.13 applies in determining whether to impose a prison term on the offender.

(i) Whoever violates division (d) of this section is guilty of aggravated trafficking in counterfeit controlled substances. Except as otherwise provided in this division, aggravated trafficking in counterfeit controlled substances is a felony of the fourth degree, and division (c) of ORC 2929.13 applies in determining whether to impose a prison term on the offender.

(j) Whoever violates division (e) of this section is guilty of promoting and encouraging drug abuse. Except as otherwise provided in this division, promoting and encouraging drug abuse is a felony of the fifth degree, and division (c) of ORC 2929.13 applies in determining whether to impose a prison term on the offender. If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, promoting and encouraging drug abuse is a felony of the fourth degree, and division (c) of ORC 2929.13 applies in determining whether to impose a prison term on the offender.

(k) Whoever violates division (f) of this section is guilty of fraudulent drug advertising. Except as otherwise provided in this division, fraudulent drug advertising is a felony of the fifth degree, and division (c) of ORC 2929.13 applies in determining whether to impose a prison term on the offender. If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, fraudulent drug advertising is a felony of the fourth degree, and division (c) of ORC 2929.13 applies in determining whether to impose a prison term on the offender.

(l)(1) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with ORC 2925.38.

If the offender has a driver's or commercial driver's license or permit, ORC 2929.33 applies.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (l)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(m) Notwithstanding any contrary provision of ORC 3719.21, the clerk of the court shall pay a fine imposed for a violation of this section pursuant to division (A) of ORC 2929.18 in accordance with and subject to the requirements of division (F) of ORC 2925.03. The agency that receives the fine shall use the fine as specified in division (F) of ORC 2925.03.

State Law reference— ORC 2925.37

EXHIBIT A – O-16-2025**525.05 FAILURE TO REPORT A CRIME, INJURY OR KNOWLEDGE OF DEATH.**

- (a) (1) Except as provided in division (a)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report the information to law enforcement authorities.
- (2) No person, knowing that a violation of ORC 2913.04(B) has been or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.
- (b) Except for conditions that are within the scope of subsection (e) of this section, no physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the physician, limited practitioner, nurse, or person, or any serious physical harm to persons that the physician, limited practitioner, nurse, or person knows or has reasonable cause to believe resulted from an offense of violence.
- (c) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.
- (d) No person shall fail to provide upon request of the person to whom a report required by subsection (c) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.
- (e) (1) As used in this subsection, "burn injury" means any of the following:
 - A. Second or third degree burns;
 - B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;
 - C. Any burn injury or wound that may result in death;
 - D. Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by ORC 3743.01.
- (2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
- (4) No person who is required to report any burn injury under subsection (e)(2) or (3) of this section shall fail to file, within three (3) working days after attending or treating the victim, a written

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report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to ORC 3737.22(A)(15).

- (5) Anyone participating in the making of reports under subsection (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding ORC 4731.22, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (e) of this section.
- (f) (1) No person who knows that a licensed medical professional has committed an offense under Chapter 2907. of the Revised Code, a violation of a municipal ordinance that is substantially equivalent to such offense, or a substantially equivalent criminal offense in another jurisdiction, against a patient of the licensed medical professional shall fail to report such knowledge to law enforcement authorities within thirty days of obtaining the knowledge.
- (2) Except for a self-report or participation in the offense or violation being reported, any person who makes a report within the thirty-day period provided in division (F)(1) of this section or any person who participates in a judicial proceeding that results from such report is immune from civil or criminal liability that otherwise might be incurred or imposed as a result of making that report or participating in that proceeding so long as the person is acting in good faith without fraud or malice.
- (3) The physician-patient relationship or physician assistant-patient relationship is not a ground for excluding evidence regarding the person's knowledge of a licensed medical professional's commission of an offense or violation reported under division (F)(1) of this section, against that licensed medical professional in any judicial proceeding resulting from a report made under that division.
- (4) As used in division (F) of this section, "licensed medical professional" has the same meaning as in ORC 2907.01.
- (g) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, professional clinical counselor or professional counselor who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in ORC 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.
- (2) Notwithstanding ORC 4731.22, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.
- (gh) Subsections (a) and (d) of this section do not require disclosure of information, when any of the following applies:
 - (1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.
 - (2) The information would tend to incriminate a member of the actor's immediate family.
 - (3) Disclosure of the information would amount to revealing a news source, privileged under ORC 2739.04 or 2739.12.
 - (4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy

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in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

- (5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for persons with drug dependencies or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or organization certified pursuant to ORC 3793.06.
- (6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of ORC 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former ORC 2907.12. As used in this subsection, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.
- (~~h~~) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.
- (~~j~~) Whoever violates division (a), (b) or (~~b~~)(1) of this section is guilty of failure to report a crime. Violation of division (a)(1) or (f)(1) of this section is a misdemeanor of the fourth degree. Violation of division (a)(2) or (b) of this section is a misdemeanor of the second degree.
- (~~j~~) Whoever violates subsection (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.
- (~~k~~) (1) Whoever negligently violates subsection (e) of this section is guilty of a minor misdemeanor.
(2) Whoever knowingly violates subsection (e) of this section is guilty of a misdemeanor of the second degree.

(Ord. O-14-2024. Passed 5-7-24.)

State Law reference— ORC 2921.13; ORC 2921.22

533.01 DEFINITIONS.

As used in this chapter:

- (a) "Sexual conduct" means 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.
- (b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- (c) "Sexual activity" means sexual conduct or sexual contact, or both.
- (d) "Prostitute" means 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.

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- (e) "Harmful to juveniles" means 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.
 - (3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.
- (f) 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 such 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 which 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 which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
 - (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 interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.
- (g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (h) "Nudity" means 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.
- (i) "Juvenile" means an unmarried person under the age of eighteen (18).
- (j) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, 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.
- (k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.

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- (l) "Spouse" means 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 authorized by ORC 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (m) "Minor" means a person under the age of eighteen (18) years.
- (n) "Mental health client or patient" has the same meaning as in ORC 2305.51.
- (o) "Mental health professional" has the same meaning as in ORC 2305.115.
- (p) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.
- (q) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.
- (r) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an undergarment.
- (s) "Licensed medical professional" means any of the following medical professionals:
- (1) A physician assistant licensed ORC 4730;
 - (2) A physician authorized under ORC 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;
 - (3) A massage therapist licensed under ORC 4731.

(Ord. O-14-2024. Passed 5-7-24.)

State Law reference— ORC 2907.01

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

- (a) No person, who is eighteen (18) years of age or older, shall engage in sexual conduct with another, ~~who is not the spouse of the offender~~, when the offender knows the other person is thirteen (13) years of age or older but less than sixteen (16) years of age, or the offender is reckless in that regard.
- (b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four (4) years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of ORC 2907.02, 2907.03 or 2907.04, or former ORC 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate state law.

State Law reference— ORC 2907.04

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533.04 SEXUAL IMPOSITION.

- (a) No person shall have sexual contact with another, ~~not the spouse of the offender~~; cause another, ~~not the spouse of the offender~~, to have sexual contact with the offender; or cause two (2) or more persons to have sexual contact when any of the following applies:
- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
 - (2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
 - (3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.
 - (4) The other person or one of the other persons is thirteen (13) years of age or older but less than sixteen (16) years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen (18) years of age and four (4) or more years older than such other person.
 - (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.
- (b) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.
- (c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of ORC 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree.

State Law reference— ORC 2907.06

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

- (a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:
- (1) A. As the proximate result of committing a violation of ORC 4511.19(A) or of a substantially equivalent municipal ordinance;
 - B. As the proximate result of committing a violation of ORC 1547.11(A) or of a substantially equivalent municipal ordinance;
 - C. As the proximate result of committing a violation of ORC 4561.15(A)(3) or of a substantially equivalent municipal ordinance.
 - (2) In one of the following ways:
 - A. Recklessly;
 - B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless

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operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (d) of this section.

(3) In one of the following ways:

A. Negligently;

B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle ,utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (d) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in ORC Title 45 that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in ORC Title 45 that is a minor misdemeanor.

(b) (1) Whoever violates division (a)(1) or (2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.

(2) A. Whoever violates division (a)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (a)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under ORC Ch. 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under ORC 507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by division (c) of this section.

B. In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(4) or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class three suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(3), or, if the offender previously had been convicted of or pleaded guilty to a traffic-related murder, felonious assault, or attempted murder offense, a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in ORC 4510.02(A)(2).

(3) A. Whoever violates division (a)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the

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offense, the offender was driving under a suspension or cancellation imposed under ORC Ch. 4510 or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under ORC 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense.

- B. In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(6) or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(4).
- (c) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a felony violation of this section, as provided in ORC 2903.06(E). The court shall impose a mandatory jail term of at least fifteen (15) days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (a)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to ORC 2929.24.
- (d) Divisions (a)(2)B. and (a)(3)B. of this section do not apply in a particular construction zone unless signs of the type described in ORC 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under ORC 5501.27. The failure to erect signs of the type described in ORC 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (a)(1), (a)(2)A., (a)(3)A., or (a)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.
- (e) (1) As used in this section:
 - A. "Construction zone" has the same meaning as in ORC 5501.27.
 - B. "Mandatory prison term" and "mandatory jail term" have the same meanings as in ORC 2929.01.
 - C. "Motor vehicle “,”utility vehicle”, and “mini-truck.” ~~has~~ have the same meanings as in ORC 4501.01.
 - D. "Reckless operation offense" means a violation of ORC 4511.20 or a municipal ordinance substantially equivalent to ORC 4511.20.
 - E. "Speeding offense" means a violation of ORC 4511.21 or a municipal ordinance pertaining to speed.
 - F. "Traffic-related homicide, manslaughter, or assault offense" means a violation of ORC 2903.04 in circumstances in which division (D) of that section applies, a violation of ORC 2903.06 or 2903.08, or a violation of ORC 2903.06, 2903.07, or 2903.08 as they existed prior to March 23, 2000.

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G. "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of ORC 2903.01 or ORC 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of ORC 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of ORC 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States.

(f) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(B) that is equivalent in length to the suspension required for a violation of ORC 2903.06 under similar circumstances.

State Law reference— ORC 2903.06; ORC 4510.07

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle ,utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under ORC Ch. 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of ORC 4510.02.

(c) The court shall impose a mandatory jail term of at least seven (7) days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) This section does not apply in a particular construction zone unless signs of the type described in ORC 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under ORC 5501.27.

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(e) As used in this section:

- (1) "Mandatory jail term" has the same meaning as in ORC 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in ORC 2903.06.
- (3) "Construction zone" has the same meaning as in ORC 5501.27.
- (4) "Speeding offense" has the same meaning as in ORC 2903.06.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States.

State Law reference— ORC 2903.08

537.14 DOMESTIC VIOLENCE.

(a) Prohibited conduct.

- (1) No person shall knowingly cause or attempt to cause physical harm to a family or household member.
- (2) No person shall recklessly cause serious physical harm to a family or household member.
- (3) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.
- (4) A. Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (a)(4)B. to (a)(4)E. of this section.
 - B. Except as otherwise provided in division (a)(4)C., (a)(4)D. or (a)(4)E. of this section, a violation of division (a)(3) is a misdemeanor of the fourth degree and a violation of division (a)(1) or (a)(2) is a misdemeanor of the first degree.
 - C. Except as otherwise provided in division (a)(4)D. of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to domestic violence, a violation of ORC 2903.14, 2909.06, 2909.07, 2911.12, 2911.211 or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (a)(1) or (a)(2) is a felony to be prosecuted under appropriate state law, and a violation of division (a)(3) is a misdemeanor of the second degree.
 - D. If the offender previously has pleaded guilty to or been convicted of two (2) or more offenses of domestic violence or two (2) or more violations or offenses of the type described in division (a)(4)C. of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (a)(1) or (a)(2) of this section

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is a felony to be prosecuted under appropriate state law, ~~and a violation of division (a)(3) of this section is a misdemeanor of the first degree.~~

E. Except as otherwise provided in division (a)(4)C. or (a)(4)D. of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (a)(1) or (a)(2) of this section is a felony to be prosecuted under appropriate state law, and a violation of division (a)(3) of this section is a misdemeanor of the third degree.

(5) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit or money in connection with the filing of charges against a person alleging that the person violated this section or a municipal ordinance substantially equivalent to this section or in connection with the prosecution of any charges so filed.

(6) As used in this section:

A. "Family or household member." Any of the following:

1. Any of the following who is residing or has resided with the offender:

- a. A spouse, a person living as a spouse as defined below, or a former spouse of the offender;
- b. A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;
- c. A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

2. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

B. "Person living as a spouse." A person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five (5) years prior to the date of the alleged commission of the act in question.

(b) Temporary protection order. Consult ORC 2919.26 for current provisions regarding protection orders.

(c) Violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state. See 537.15 for current provisions.

State Law reference— ORC 2919.25

545.07 INSURANCE FRAUD.

(a) As used in this section:

- (1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.
- (2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false

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impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.

- (3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under ORC Tit. XXXIX; The Ohio Fair Plan Underwriting Association created under ORC 3929.43; the assigned risk plan created under ORC 4509.70, any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.
 - (4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.
 - (5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.
- (b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:
- (1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;
 - (2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.
- (c) Whoever violates this section is guilty of insurance fraud. Except as otherwise provided in this division, insurance fraud is a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is one thousand dollars (\$1,000.00) or more, insurance fraud is a felony to be prosecuted under appropriate state law.
- (d) This section shall not be construed to abrogate, waive or modify ORC 2317.02(A).

State Law reference— ORC 2913.47

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

(a) Possession of a Revoked or Suspended Concealed Handgun License.

- (1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.
- (2) Whoever violates this division (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.

(b) Additional Restrictions. Pursuant to ORC 2923.126:

- (1) A. A concealed handgun license that is issued under ORC 2923.125 shall expire five (5) years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty (30) days after the licensee's license expires during which

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the licensee's license remains valid. Except as provided in divisions (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under ORC 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this State if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five (45) days after that change.

- (2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under ORC 2923.12(B) or in any manner prohibited under ORC 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:
- A. A police station, sheriff's office, or State highway patrol station, premises controlled by the Bureau of Criminal Identification and Investigation, a State correctional institution, jail, workhouse, or other detention facility, an airport passenger terminal, or an institution that is maintained, operated, managed, and governed pursuant to ORC 5119.02(A) or ORC 5123.03(A)(1);
 - B. A school safety zone if the licensee's carrying the concealed handgun is in violation of ORC 2923.122;
 - C. A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of ORC 2923.123;
 - D. Any premises or open air arena for which a D permit has been issued under ORC Ch. 4303 if the licensee's carrying the concealed handgun is in violation of ORC 2923.121;
 - E. Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;
 - F. Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;
 - G. A child care center, a type A family child care home, or a type B family child care home, except that this division does not prohibit a licensee who resides in a type A family child care home, or a type B family child care home from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for care purposes at any time during which no children, other than children of that licensee, are in the home;
 - H. An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail by aircraft;
 - I. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (b)(2)C. of this section;
 - J. A place in which federal law prohibits the carrying of handguns.
- (3) A. Nothing in this division (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this division (b) shall

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require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

- B. 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer. As used in this division, "private employer" includes a private college, university, or other institution of higher education.
- 2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in ORC Ch. 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in ORC 2744.01.
- C. 1. Except as provided in division (b)(3)C.2. of this section and ORC section 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of ORC 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass in violation of ORC 2911.21(A)(4) and instead is subject only to a civil cause of action for trespass based on the violation.
- 2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
- 3. As used in division (b)(3)C. of this section:
 - a. "Residential premises" has the same meaning as in ORC 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.
 - b. "Landlord," "tenant," and "rental agreement" have the same meanings as in ORC 5321.01.
- (4) A person who holds a concealed handgun license issued by another State that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to ORC 109.69 has the same right to carry a concealed handgun in this State as a person who was issued a concealed

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handgun license under ORC 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.

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

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

C. A fire investigator who is qualified to carry firearms while on duty under ORC 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under ORC 2923.125.

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

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

- a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
- b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
- c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.
- d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen (15) years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

2. A retired peace officer identification card issued to a person under division (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person,

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

3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (b)(6)B.1. of this section.
- C. 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under ORC 109.801. The retired peace officer may be required to pay the cost of the course.
2. If a retired peace officer who satisfies the criteria set forth in divisions (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under ORC 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (b)(6) of this section for five (5) years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five (5) years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (b)(6)B. of this section.
 3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under ORC 109.801 may be required to pay the cost of the program.
- D. "Government facility of this State or a political subdivision of this State" means any of the following:

EXHIBIT A – O-16-2025

1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;
 2. The office of a deputy registrar serving pursuant to ORC Ch. 4503 that is used to perform deputy registrar functions.
- E. "Qualified retired peace officer" means a person who satisfies all of the following:
1. The person satisfies the criteria set forth in divisions (b)(6)B.1.a. to (b)(6)B.1.d. of this section.
 2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 3. The person is not prohibited by Federal law from receiving firearms.
- F. "Retired peace officer identification card" means an identification card that is issued pursuant to division (b)(6)B. of this section to a person who is a retired peace officer.
- G. "Tactical medical professional" has the same meaning as in ORC 109.71.
- H. "Validating identification" means a photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.
- G. "Fire investigator" has the same meaning as in ORC 109.71.

(c) Posting of Signs Prohibiting Possession. Pursuant to ORC 2923.1212:

- (1) The following persons, boards, and entities, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."
 - A. The Director of Public Safety or the person or board charged with the erection, maintenance, or repair of police stations, municipal jails, and the municipal courthouse and courtrooms in a conspicuous location at all police stations, municipal jails, and municipal courthouses and courtrooms;
 - B. The Sheriff or Sheriff's designee who has charge of the Sheriff's office in a conspicuous location in that office;
 - C. The Superintendent of the State Highway Patrol or the Superintendent's designee in a conspicuous location at all State highway patrol stations;
 - D. Each Sheriff, Chief of Police, or person in charge of every County, Multi-County, municipal, municipal-County, or multi-County/municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or other local or State correctional institution or detention facility within the State, or that person's designee, in a conspicuous location at that facility under that person's charge;
 - E. The board of trustees of a regional airport authority, chief administrative officer of an airport facility, or other person in charge of an airport facility in a conspicuous location at each airport facility under that person's control;

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- F. The officer or officer's designee who has charge of a courthouse or the building or structure in which a courtroom is located in a conspicuous location in that building or structure;
 - G. The Superintendent of the Bureau of Criminal Identification and Investigation or the Superintendent's designee in a conspicuous location in all premises controlled by that Bureau;
 - H. The owner, administrator, or operator of a child day-care center, a type A family day-care home, or a type B family day-care home;
 - I. The officer of this State or of a political subdivision of this State, or the officer's designee, who has charge of a building that is a government facility of this State or the political subdivision of this State, as defined in ORC 2923.126, and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to ORC 2923.126(B)(3).
- (2) The following boards, bodies, and persons, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to ORC 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone."
- A. A board of education of a city, local, exempted village, or joint vocational school district or that board's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the board;
 - B. A governing body of a school for which the State Board of Education prescribes minimum standards under ORC 3301.07 or that body's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the school;
 - C. The principal or chief administrative officer of a nonpublic school in a conspicuous location on property owned or controlled by that nonpublic school.

(Ord. O-21-2020. Passed 11-17-20; Ord. O-35-2022. Passed 11-15-22; Ord. O-14-2024. Passed 5-7-24.)

State Law reference— ORC 2923.126; ORC 2923.1211(B), (C); ORC 2923.1212



ORDINANCE O-17-2025

**AN ORDINANCE TO AMEND CHAPTER 1154 "TMD TECHNOLOGY
MANUFACTURING DISTRICT" OF THE CITY OF NEW ALBANY
CODIFIED ORDINANCES**

WHEREAS, it has been found that the codified ordinances of the city of New Albany, chapter 1154, needs to be amended; and

WHEREAS, New Albany City Council has determined that it is necessary to amend the codified ordinances of the city of New Albany to promote orderly growth and development of lands; and

WHEREAS, the amendment provides updated and appropriate standards for commercial development within the TMD zoning classification; and

WHEREAS, the New Albany Planning Commission and New Albany City Council on separate occasions have held public hearings and received public input concerning the amendment of the codified ordinance; and

WHEREAS, the New Albany Planning Commission reviewed the proposed ordinance amendment and recommended its approval.

NOW, THEREFORE, BE IT ORDAINED by council for the city of New Albany, counties of Franklin and Licking, State of Ohio, that:


Section 1. Portions of Codified Ordinance Chapter 1154 shall be amended as set forth in Exhibit A, which depicts these amendments in colored ink.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 6th day of May, 2025.

Attest:


Matthew E. Shull
President Pro Tem


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	04/04/2025
Introduced:	04/15/2025
Revised:	04/28/2025 – Exhibit A
Adopted:	05/06/2025
Effective:	06/05/2025

CHAPTER 1154 TMD TECHNOLOGY MANUFACTURING DISTRICT

1154.01 CONFLICT.

Technology Manufacturing Zoning Districts may be established by application in accordance with Chapter 1111. Once property is designated in the TMD classification, the provisions of this chapter and the requirements contained herein, including the provisions of the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan, which are incorporated by reference (see Section 1154.09), shall take precedence over all other conflicting regulations contained in the Codified Ordinances as it pertains to that property.

(Ord. O-46-2021. Passed 12-14-21.)

1154.02 PURPOSE.

These regulations are established to provide for a range of manufacturing, production, industrial and other employment-generating activity contained within or supporting at least one (1) significant use or user. The TMD is intended to further the economic vitality of the City while protecting the health, safety and welfare of the users of the district and residents of the Municipality. It is also intended to streamline review procedures for new development, redevelopment, and expansions of existing development in order to efficiently address market demands, provide certainty of processes, and foster economic growth.

(Ord. O-46-2021. Passed 12-14-21.)

1154.03 ELIGIBILITY.

In order for property to be eligible to be classified with the TMD designation, it must be included within a zoning application pertaining to a minimum of five hundred (500) contiguous acres. Alternatively, a property will be so eligible if, when zoned with the TMD designation, its acreage plus the acreage contained within the continuous perimeter of contiguous property that is already zoned in the TMD classification together will equal at least five hundred (500) acres. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision.

Upon a rezoning of property into the TMD zoning classification, it shall be designated as "TMD" on the City's zoning map. The Community Development Director or his/her designee shall determine which of the project categories set forth in Section 1154.04 applies to an application for a permit for construction or improvements for development of property with a TMD classification. The review of the application shall be undertaken using the standards that apply to such category as provided in this Chapter.

(Ord. O-46-2021. Passed 12-14-21.)

1154.04 PROJECT CATEGORIES.

- (a) **Flagship Project.** A Flagship Project shall be any development proposal on a single parcel or multiple contiguous parcels containing at least five hundred (500) acres which are under common ownership or control by a single person or business entity (and, if applicable, its affiliated persons or business entities). This category also shall include modifications to or expansions of an existing Flagship Project. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision.

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- (b) **Primary Project.** A Primary Project shall be any development proposal that is not a Flagship Project and which contains, as its primary use, at least one (1) use which is permitted in the TMD.

(Ord. O-46-2021. Passed 12-14-21.)

1154.05 PERMITTED USES.

- (a) Any use specified as a permitted use or conditional use in the LI, Limited Industrial District under Section 1153 shall be a permitted use within the TMD, except that personal service (Section 1153.03(b)(2)) and retail product sales and service (Section 1153.03(b)(3)), shall be allowed only as accessory uses to a permitted use in this Zoning District and in accordance with Section 1154.07(a).
- (b) A park-and-ride facility providing daily parking as the principal use which may include accessory shelters for mass transit passengers or carpooling that typically includes parking lots and associated structures located along or near public transit routes.
- (c) Off-site parking.
- (d) Parking structures.
- (e) Agriculture.
- (f) Bulk storage tanks, pads and distribution consisting of tanks, containers, and other similar structures used for the storage and eventual distribution of large quantities of liquids, chemicals, fuels, oils, or similar items to be used in, or are a waste byproduct of, manufacturing processes. Bulk storage tanks and pads may be located above ground and/or below ground, provided that above ground storage tanks and pads shall be subject to the required minimum building setbacks as provided in this Chapter 1154.
- (g) Essential services which for purposes of this Chapter 1154 shall mean the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare.
- (h) Water/wastewater treatment facilities consisting of private or public facilities and related infrastructure for the treatment of water and/or wastewater that serve a Flagship Project and are intended to and have projected capacity also to serve one (1) or more Primary Projects. These facilities shall be required to utilize processes and infrastructure that provide environmental benefits such as (but not limited to) conservation, reduction of pollution, and reuse of water.
- (i) Bulk gas yards including generation, storage, and distribution that consists of facilities for the creation, manufacturing, production, and distribution of bulk gases used in electronics manufacturing and other industries. Such facilities are necessary in order to scale such production and distribution and to reduce costs, ensure adequate supplies to nearby uses, and achieve consistent purity of product. Typical components of these facilities may include compressors, water cooling plants, pre-purification units, and bulk tanks for storage, among others.
- (j) Electric Switch Yards.
- (k) Concrete batch plants within a Flagship Project. These include the operation of a combination of equipment within and/or outside of a structure which bring together water, air, cementitious mixtures, and other aggregate materials to produce concrete for different application types, with the primary purpose of serving uses and users within the TMD.
- (l) Solar panels that are ground-mounted, on structures or over paved parking areas.

(m) Truck cell phone lots. Characterized as short-term parking lots that are designated primarily for use by commercial trucks with drivers waiting to be alerted by cell phone or other means to pick up or drop off freight, supplies, and/or other materials and which may be used for overnight truck parking. Drivers of other vehicles also shall be permitted to use these lots. For purposes of this definition, the term "truck" shall include, but not be limited to: Semi-trailers, flatbeds, tankers, step deck trucks, box freight trucks, dump trucks, slinger trucks, tipper trucks, and cement trucks. These types of lots shall be paved if located within three hundred (300) feet of a public street right-of-way. Otherwise, they may be gravel, provided that (i) measures are taken to eliminate the migration of dust from the lot off-site and (ii) a wheel wash is provided for trucks when leaving a lot where wet or muddy conditions are present.

(n) Similar uses, as provided in Section 1127.02(e), except that in the TMD, the Community Development Director or his/her designee shall be responsible for making this determination.

(Ord. O-46-2021. Passed 12-14-21.)

1154.06 CONDITIONAL USES.

Concrete batch plants located within a Primary Project shall be conditional uses within the TMD. The Planning Commission shall review these uses in accordance with the procedures and standards contained within Chapter 1115. In addition, in order to approve a concrete batch plant as a conditional use within a Primary Project, the Planning Commission must determine that the operation of the use will not materially negatively impact the operations, safety, or viability of any existing uses within a Flagship Project. No concrete batch plants located within one thousand five hundred (1,500) feet of any perimeter boundary of a Flagship Project shall be reviewed by the Planning Commission unless all owners of real property within the Flagship Project have been provided with written notice of the date, time, and location of the hearing on the conditional use application at least fifteen (15) days prior to the date of the hearing. The approval of a conditional use pursuant to this Section 1154.06 shall be effective through the fourth anniversary of the date of the Planning Commission's order to approve the same. The operation of a concrete batch plant beyond this time shall require the filing, review, and approval of an additional conditional use application which, if approved, also shall be effective for a period of four (4) years.

(Ord. O-46-2021. Passed 12-14-21.)

1154.07 ACCESSORY USES.

(a) Personal service and retail product sales and services.

(1) Characteristics. These uses involve the sale, leasing, or rental of products or goods by the property owner or tenant on a property, their affiliates, or third parties unrelated to the owner or tenant. They also include the provision of on-site product repair or services for consumer and business goods and/or on-site personal services or entertainment. Goods are displayed and sold on-site, and use or consumption is primarily on-site. Uses in this category are not permitted to be provided to the general public, but shall be provided to employees, contractors, and business visitors of the particular Flagship Project or Primary Project which they serve.

(2) Examples. Examples include, but are not limited to, dry cleaning, restaurants (without drive-throughs) and cafeterias, medical, eye, and dental clinics, pharmacies, fitness centers (indoor and outdoor), child day cares, banks/credit unions.

(b) Private or public security facilities.

(c) Security check points and gate houses.

(d) Public or private bus and shuttle transit stops.

(e) Satellite dishes.

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- (f) Wireless telecommunications facilities.

(Ord. O-46-2021. Passed 12-14-21.)

1154.08 PARCEL AND YARD REQUIREMENTS.

The following requirements shall apply in the TMD to the exclusion of those found in Chapter 1165:

- (a) Minimum Parcel Area. There shall be a minimum parcel area of fifteen (15) acres for Flagship Projects and a minimum parcel area of five (5) acres for Primary Projects.
- (b) Parcel Frontage. All parcels shall abut a public street, or may instead abut a private drive if either (i) an adjacent parcel or parcels is under common ownership and has frontage on a public street, or (ii) a legally binding perpetual vehicular access easement over adjacent property(ies) that are not under common ownership is placed of record with the office of the recorder in the county in which the parcel is located or will be of record prior to the issuance of a Planning and Design Permit for that parcel, as contemplated in Section 1154.10.
- (c) Parcel Width. All parcels shall have adequate width to provide for yards and distances as required by this Chapter.
- (d) Setbacks from Public Rights-of-Way. The following minimum setbacks shall apply to developments that are adjacent to public rights-of-way unless otherwise specifically provided elsewhere in this Chapter:
 - (1) Principal Arterial Streets. Minimum three hundred (300) feet for pavement and five hundred (500) feet for buildings from the rights-of-way of Principal Arterial Streets, as identified in the City's Strategic Plan. A mound that is a minimum of six (6) feet in height and a maximum of eight (8) feet in height shall be provided within the required minimum pavement setback. Notwithstanding the foregoing, (A) the minimum pavement setback shall be reduced to two hundred (200) feet and the minimum building setback shall be reduced to four hundred (400) feet provided that a mound that is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height is provided within the required minimum pavement setback, and (B) the minimum pavement setback shall be reduced to one hundred (100) feet and the minimum building setback shall be reduced to three hundred (300) feet provided that a mound that is a minimum of thirteen (13) feet in height and a maximum of fifteen (15) feet in height is provided within the required minimum pavement setback. All mounds shall include plantings as detailed in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan that is contemplated in Section 1154.09. The mounding requirements of this subsection may be waived by the Community Development Director or his/her designee where existing tree stands or forested areas achieve similar or better screening as would be present with the mounding. Accessory structures such as security facilities, gate houses, security checkpoints, solar panels, and bus and shuttle transit stops and related improvements may be located as close as one hundred (100) feet of the rights-of-way for Principal Arterial Streets and to the front or rear of required mounding.
 - (2) Major Collector, Other Public Streets, and Front Yards. Minimum twenty-five (25) feet pavement and fifty (50) feet building setbacks from (A) all rights-of-way other than those containing or planned to contain Principal Arterial Streets and (B) from any front property line that does not abut a public street right-of-way.
 - (3) Construction Site Setup. For Flagship Projects, during any phases of construction there shall be a minimum one hundred fifty (150) foot setback for pavement, material laydown and storage tanks and a minimum two hundred-foot setback for trailers, structures, buildings, and related items necessary for the construction of improvements. All construction site setup areas within Flagship Projects shall be screened so that they are not visible from adjacent public street rights-of-way.

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- (e) Side and Rear Yards. The required minimum setbacks from side and rear parcel lines which are not contiguous with a public street right-of-way shall be twenty-five (25) feet for buildings, structures, service areas, loading areas, and paved parking areas.
 - (f) Residential Setbacks. Subject to the requirements in Section 1154.14(b), there shall be a one hundred-foot building and pavement setback from any district where residences are a permitted use. For Flagship projects, ~~and~~ when the requirements of Section 1154.08(d)(1) do not apply, provided, however, that if a building ~~will exceed~~s sixty-five (65) feet in height, the minimum required building setback shall be three hundred (300) feet. The setback requirements in the immediately preceding sentence shall not apply when (i) the property located within the district where residences are a permitted use is under common ownership with the relevant property or (ii) the owner(s) of the property or properties that are protected by this minimum setback requirement sign an affidavit that waives this requirement, which shall be filed with the City. If two (2) contiguous properties have an intervening public street between them, they shall be considered to be abutting.
 - (g) Interior Setbacks. There shall be a zero minimum building and pavement setback requirement from interior parcel lines when the parcels on each side of a parcel line are under common ownership.
 - (h) Riparian Corridors. Development in the TMD shall comply with the provisions of Chapter 1155 unless expressly provided in this subsection (h). All streams with a drainage area greater than fifty (50) acres and their riparian corridors shall be preserved. The corridor width shall be a minimum of one hundred (100) feet, with at least twenty-five (25) feet on each side of the centerline of the stream. No pavement, structures, or other impermeable surfaces or improvements shall be permitted in riparian corridors, except for paved leisure trails, benches, and bridges. New vegetation shall be permitted to be planted within these corridors.
 - (i) Maximum Parcel Coverage. There shall be a maximum impervious parcel coverage of eighty-five percent (85%) on parcels containing Flagship Projects and seventy-five percent (75%) on parcels containing Primary Projects.
 - (j) Connectivity. Leisure trails shall be provided in accordance with the requirements in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan which is referenced in Section 1154.09. The requirements of Section 1165.06 shall not apply in the TMD.
 - (k) Public Streets. The developer shall dedicate property to the City or other relevant political subdivision as necessary to provide a minimum of one hundred (100) feet of right-of-way for Principal Arterial Streets or Major Collector Streets, provided, however, that the minimum required right-of-way to be dedicated to the City or other political subdivision for a Major Collector Street may be reduced to eighty (80) feet if approved by the City Engineer. For public street typologies other than Principal Arterial Streets or Major Collector Streets, the developer shall dedicate property to the City or other relevant political subdivision as necessary to provide a minimum of sixty (60) feet of right-of-way. The property owner shall grant easements to the City which are adjacent to the aforementioned rights-of-way to the minimum extent necessary to provide for the installation and maintenance of streetscape improvements and/or utilities.

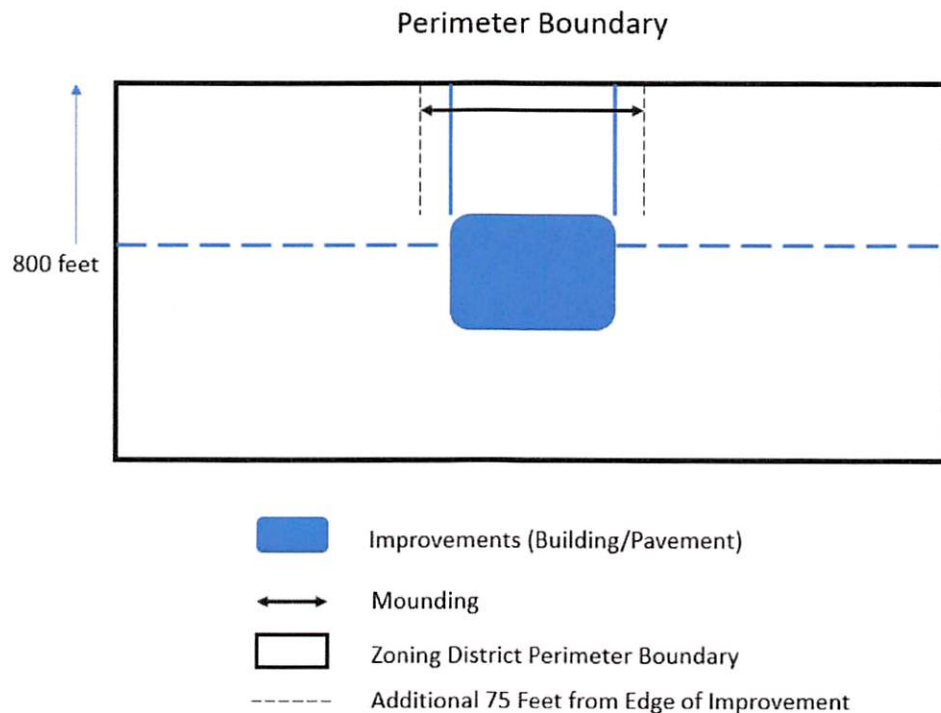
(Ord. O-46-2021. Passed 12-14-21.)

1154.09 DISTRICT LANDSCAPE AND ARCHITECTURE STANDARDS PLAN.

- (a) There is hereby adopted, and incorporated by reference, the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan, as if set out at length herein [and available at the following link: <https://municode.com/webcontent/15494/StandardsPlan.pdf>]. The New Albany Technology Manufacturing District Landscape and Architecture Standards Plan is meant to minimize references to other sections of the Planning and Zoning Code. The requirements contained therein shall take precedence over and supersede all other regulations contained in the Codified Ordinances, other than those contained in this Chapter 1154.

Without limiting the foregoing, the buffering and screening requirements of Section 1171.05 and 1171.06 shall not be required and Chapter 1175 shall not apply to the TMD.

- (b) Phasing of Screening: Unless otherwise specifically provided elsewhere in this Chapter, rRequired mounding and landscaping as required by the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan shall be installed along the entirety of public street frontages and Residential Property (defined in ~~to~~ 1154.14(b)) lines abutting the TMD concurrent with building construction unless construction of multiple buildings is phased, in which case required mounding and landscaping may be installed in phases. For each phase of development in the TMD, such required mounding and landscaping shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or above-ground equipment or utility infrastructure, once constructed within that phase, will be located within eight hundred (800) feet of the relevant perimeter boundary line. At a minimum for each phase, this mounding and landscaping shall be installed along the portion of the relevant perimeter boundary line of the relevant property between two (2) points which are determined by extending two (2) straight lines from the perimeter boundary line of the property to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of one hundred fifty (150) [feet] apart. The following illustration is being provided as an example of this requirement:



(Ord. O-46-2021. Passed 12-14-21.)

1154.10 SUBMITTAL CONTENT AND REQUIREMENTS.

- (a) A Planning and Design Permit is required for Flagship Projects and Primary Projects for any of the following:
- (1) Construction or structural alteration of any building, including accessory buildings, paved areas, and site improvements other than landscaping that are visible in whole or in part from the public right-of-way. For purposes of this Chapter 1154, (A) a building or accessory building shall be deemed to be "visible" if its first or second floor can be viewed from any public street right-of-way at a height of six (6) feet above the grade of any portion of that right-of-way, and (B) paved areas and site

improvements other than landscaping shall be deemed to be "visible" if they are located within five hundred (500) feet of a public street right-of-way and can be seen from that public street right-of-way at a height of six (6) feet above the grade of any portion of that right-of-way.

- (2) Change in use of an existing building or accessory building.
- (b) At a minimum, an application for a Planning and Design Review Permit shall contain the following information in text or map form for the construction or structural alteration of any building, including accessory buildings, and/or other site improvements that are visible in whole or in part from the public right-of-way:
 - (1) Completed Planning and Design Permit Application;
 - (2) Memorandum of Understanding (MOU) for a traffic analysis detailing the potential impact of vehicular traffic to be generated from the proposed project unless the City waives this requirement;
 - (3) Dimensioned Site plan showing location of proposed improvements;
 - (4) Architectural renderings indicating building height, material, color palette and screening designs for each building façade;
 - (5) Master landscaping and grading plans including streetscape;
 - (6) Tree preservation plan where applicable;
 - (7) Sign plans indicating illustrations with height and area dimensions, lighting, dimensioned location on the site, materials, and colors; and
 - (8) Number and dimensions of existing and proposed off-street parking and/or loading spaces.
- (c) Zoning Permits, as contemplated in Sections 1109.02 through 1109.09, shall not be required in the TMD.
- (d) Any property zoned in the TMD classification shall not be considered to be located within the Architectural Review District as contemplated in Chapter 1157 and shall be exempt from all requirements contained in that Chapter.

(Ord. O-46-2021. Passed 12-14-21.)

1154.11 PERMITTING PROCEDURE.

- (a) The developer of a Flagship Project or Primary Project shall submit separate application submittals for independent review by each respective discipline:
 - (1) Planning and Design Permit Application.
 - (2) Engineering Application.
 - (3) Commercial Building Permit Application.
- (b) The applicant shall have the option of filing the Planning and Design, engineering, and building permits as full or phased submittals. Under the phased plan review process, projects for construction may be broken into one (1) or more phases for construction permits and work.
- (c) The applications for Planning and Design, engineering, and building permits shall be made on such forms as prescribed by the staff of the City of New Albany along with such plans, drawings, specifications and other materials as required by this Chapter 1154 and as otherwise may be needed by staff.
- (d) Once the submittal has been made, the materials for each permit type shall be reviewed by relevant City departments for compliance with: Chapter 1154, the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan, uses, the submittal requirement checklists and all applicable codes and ordinances.

(Ord. O-46-2021. Passed 12-14-21.)

1154.12 STORAGE; HAZARDOUS MATERIALS.

- (a) Outdoor Storage. Outdoor storage of materials, equipment, and supplies shall be permitted. Outdoor storage areas for these items are not required to be screened if they are located so that they are not visible from a public street right-of-way or from ground level at a distance of two hundred (200) feet from any perimeter boundary line of a parcel that is not under common ownership. Otherwise, such outdoor storage areas shall be fully screened to a height of eight (8) feet. Outdoor storage areas (whether screened or unscreened) shall comply with minimum setback requirements for pavement.
- (b) Hazardous Materials. Due to the nature of the permitted uses in the TMD, hazardous waste and materials storage and processing is anticipated. When such storage and/or processing are desired:
 - (1) The nature of the storage and processing shall be described in a detailed written statement that shall be submitted as part of an application for a Planning and Design Permit. This statement also shall provide details regarding the safety measures and protocols that are proposed to prevent the migration of any hazardous materials outside of designated containment areas and procedures that will be implemented upon the occurrence of an event that does or has the potential to damage the environment, persons, or property. This information shall be provided so that relevant City departments and public safety providers will have notice of the presence of these storage and processing operations.
 - (2) All such storage and/or processing shall comply in all respects with state and federal law and regulations, and shall not be undertaken until such time as all necessary state and federal permits are received and copies of the same are provided to the City.
 - (3) No such storage and/or processing shall occur within the greater of (A) two hundred (200) feet of any perimeter boundary of a parcel that is not under common ownership and (B) an otherwise applicable minimum building setback.
 - (4) If such storage or processing is undertaken outside of a structure, then all exterior areas where these activities are occurring shall be surrounded by a masonry wall that is at least ten (10) feet in height, but only if they are wholly or partially visible in whole or in part from a public street right-of-way. Building facades may be used to meet this requirement. Any gates or doors shall include enhanced security features to ensure that unauthorized individuals cannot gain access to the area.

(Ord. O-46-2021. Passed 12-14-21.)

1154.13 ARCHITECTURE.

- (a) Flagship Projects. Flagship Projects shall not be subject to the requirements of the DGRs, provided that such projects meet the requirements of the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan.
- (b) Primary Projects. The requirements of this Section 1154.13(b) shall apply only to Primary Projects:
 - (1) General Regulations for all Primary Projects.
 - A. Service and Loading Areas: Service areas and loading docks shall be screened to limit visibility from off-site.
 - B. Building designs shall not mix architectural elements or ornamentation from different styles.
 - C. Buildings shall be required to employ a comparable use of materials on all elevations.

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- D. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
 - E. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.
 - F. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.
 - G. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section to the extent the requirements prevent or limit functionality and/or accessibility to direct sunlight.
 - H. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure, if they are visible from a public street right-of-way. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Notwithstanding the foregoing, the requirements of this subsection shall not apply to detached accessory structures serving or associated with Advanced Fabric Structures (as defined in Section 1154.14(b)(3)).
 - I. Roof-Mounted Equipment. Complete screening of all roof-mounted equipment shall be required on all four (4) sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment. Solar energy systems shall be excluded from the requirements of this section to the extent the requirements prevent or limit functionality and/or accessibility to direct sunlight.
 - J. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.
 - K. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.
 - L. Exterior building materials for all buildings other than Advanced Fabric Structures shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited.
 - M. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by a tenants or persons on a regular basis may be constructed using pre-engineered metal.

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- N. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).
 - O. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.
 - P. Buildings and structure shall be designed to be harmonious in character to other buildings and structures within the same Flagship project or Primary Project, as applicable. Façade colors shall be coordinated to complement each other.
- (2) Additional Standards for Non-Office Buildings within Primary Projects: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of data centers, manufacturing, warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in the TMD.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In designing such buildings (other than Advanced Fabric Structures), the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- A. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- B. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- C. The use of one (1) or more architectural or design elements may be used to soften the aesthetics of the building, such as, but not limited to, canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
- D. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.
- E. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.
- F. Utility yards, essential service areas, bulk storage areas and similar may be paved or gravel. HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks.

3) Regulations for Advanced Fabric Structures: A Primary Project with a development proposal on a single parcel or multiple contiguous parcels containing at least one hundred (100) acres shall be permitted to include Advanced Fabric Structures as primary or accessory buildings. "Advanced Fabric Structures" shall be defined to mean "a clear-span building with a durable, tensioned fabric used as the primary exterior finish material for its roof, all or some its exterior facades, or both." Advanced Fabric Structures shall be permitted only within a Primary Project. Advanced Fabric Structures, when installed, shall:

- A. Utilize tensioned fabric that is certified by its manufacturer as having a useful life of at least 20 years and being able to withstand wind speeds of at least 100 miles per hour.
- B. Have a building substructure that consists of aluminum, steel, or some other metallic materials to ensure durability and longevity for the building.
- C. Have a climate-controlled interior.
- D. Not exceed 65 feet in height at the highest point of the roof.
- E. Not be required to include windows if the lack of windows is needed for security reasons and/or for temperature control.
- F. Have a minimum building setback of 100 feet from all perimeter boundary lines of the parcel on which it is located and of 200 feet from any public street right-of-way.

(Ord. O-46-2021. Passed 12-14-21.)

1154.14 LANDSCAPING.

- (a) Tree Preservation Zones shall be established within areas that will be preserved pursuant to applicable federal and state permits and determinations, once they are approved and issued by the Ohio Environmental Protection Agency and the U.S. Army Corps of Engineers. These Preservation Areas shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Preservation Zones may be removed if they present a potential danger to persons or property. Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. The final boundaries of the Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time.
- (b) Residential Buffering. For all perimeter boundaries where the minimum setbacks set forth in Section 1154.08(f) apply and which are not adjacent to a Principal Arterial Street (any real property meeting either of the foregoing criteria to be referred to herein as "Residential Property"), a minimum ten-foot high mound shall be installed along the property line which shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of seventy-five percent (75%) on the date that is five (5) years after planting to a total height of fourteen (14) feet above the top of the mound. The plan for these areas must be reviewed and approved by the City's Landscape Architect. In areas where existing tree stands or forested areas are present, the City's Landscape Architect shall not require such mounding and landscaping where the height and opacity requirements can be met by preserving and/or supplementing the tree stands or forested areas.

(Ord. O-46-2021. Passed 12-14-21.)

1154.15 SIGNAGE.

- (a) All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany unless otherwise included in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan.

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- (b) Flagship Project Address and Directional Signs. The quantity, locations, and area dimensions of address, directional and wayfinding signage internal to Flagship Projects and not visible from a public street right-of-way shall be permitted without any City permits based on the needs of the project to ensure safe flow of pedestrian and vehicular traffic.
 - (c) Signage as required by other local, state, and federal governmental agencies and regulations shall be permitted by right.

(Ord. O-46-2021. Passed 12-14-21.)

1154.16 LIGHTING.

- (a) All parking lot and private drive lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site. All parking lot and private drive lighting shall be of the same light source type and style. All light poles within parking lots and along private drives shall be black or New Albany green and constructed of metal. Light poles shall not exceed thirty (30) feet in height, except that light poles located within three hundred (300) feet of properties where residential uses exist or are permitted shall be no more than eighteen (18) feet in height
- (b) No permanent colored lights or neon lights shall be used on the exterior of any building.
- (c) All lighting standards and requirements which are not addressed in this Chapter 1154 shall be in accordance with other applicable provisions of the Codified Ordinances.
- (d) Public street lighting must meet the City standards and specifications.
- (e) No light spillage onto properties which are adjacent to property which is zoned in the TMD classification shall be permitted from lighting sources within the TMD.

(Ord. O-46-2021. Passed 12-14-21.)

1154.17 PARKING AND LOADING.

- (a) Flagship Projects shall not have any requirement to provide a minimum or maximum amount of vehicular parking spaces or loading spaces. Drive aisles, parking space, and loading space quantity and dimensions shall conform to the standards set forth in the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan.
- (b) Primary Projects shall conform to the standards set forth in Chapter 1167 of the Codified Ordinances of the City of New Albany.

(Ord. O-46-2021. Passed 12-14-21.)

1154.18 VARIANCES, WAIVERS, AND DEVIATIONS.

- (a) Variances. Variances from the requirements of this Chapter 1154 or any other applicable provision of the Zoning Ordinance may be requested by an applicant with property that is zoned in the TMD classification. The Planning Commission shall hear and decide variance requests for property within the TMD. Any such variance shall be reviewed in accordance with the criteria, standards, and procedures set forth in Chapter 1113. Waivers or deviations from the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan shall not be considered to be variances, and instead shall be reviewed in accordance with Section 1154.18(b).
- (b) Waivers and Deviations. The Community Development Director or his/her designee shall decide requests for waivers or deviations from the requirements of the New Albany Technology Manufacturing District Landscape and Architecture Standards Plan in conjunction with review of a Planning and Design Permit

application, and such requests shall not be deemed to be variances. A waiver or deviation shall be approved if the Community Development Director or his/her designee finds:

- (1) The proposed waiver or deviation will result in a condition that is equal to or better than the condition or standard which was intended to be achieved by the strict application of the standard for which the request is made; and
- (2) The proposal will not cause adverse impacts to surrounding areas, or if such impacts may occur, they are reasonably mitigated.

(Ord. O-46-2021. Passed 12-14-21.)



ORDINANCE O-18-2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 15.504+/- ACRES OF LAND GENERALLY LOCATED SOUTH OF JUG STREET AND WEST OF CLOVER VALLEY ROAD, FROM ITS CURRENT ZONING OF INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS THE "CLOVER VALLEY EXPANSION ZONING DISTRICT" AS REQUESTED BY EDGECONNEX MCN, C/O JACK REYNOLDS

WHEREAS, council of the City of New Albany has determined that it is necessary to rezone certain property located within the city to promote orderly growth and development of lands; and

WHEREAS, the New Albany Planning Commission and New Albany City Council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

WHEREAS, pursuant to the application by EdgeConneX MCN, c/o Jack Reynolds, the Planning Commission has reviewed the proposed ordinance amendment and recommended its approval unanimously.

NOW, THEREFORE, BE IT ORDAINED by council for the city of New Albany, counties of Franklin and Licking, State of Ohio, that:

Section 1. Council hereby amends the zoning ordinance map of the city of New Albany to change the zoning classification of the following described site:

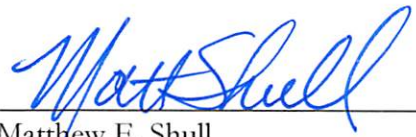
- A. A 15.504+/- acre site within Licking County, generally located south of Jug Street and west of Clover Valley Road, from its current zoning of Infill Planned Unit Development (I-PUD) to Limited General Employment (L-GE).
- B. The zoning district's limitation text and boundary map are hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.


CERTIFIED AS ADOPTED this 6th day of May, 2025.

Attest:


Matthew E. Shull
President Pro Tem


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	04/04/2025
Introduced:	04/15/2025
Revised:	04/28/2025 – Exhibit A
Adopted:	05/06/2025
Effective:	06/05/2025

CLOVER VALLEY EXPANSION ZONING DISTRICT
LIMITED GENERAL EMPLOYMENT (L-GE) TEXT

March 19, 2025

I. INTRODUCTION: The existing Clover Valley I-PUD Zoning District included 18.3 ± acres of real property located immediately to the south of the intersection of Clover Valley Road and Jug Street.

This new Clover Valley Expansion Zoning District (hereinafter, the “Zoning District”) rezones 15.504± acres of the original I-PUD zoning district (Subareas A and B) to allow L-GE, Limited General Employment uses to be developed in accordance with the standards of this limitation text.

II. DEVELOPMENT STANDARDS: Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. Where there is a conflict between the provisions in this text and the Codified Ordinances, the provisions in this text shall govern. Basic development standards are being provided regarding proposed density, site planning, traffic, circulation, landscaping, and architecture.

A. Permitted Uses: Permitted and conditional uses in this zoning district shall include those set forth in the Codified Ordinances of the City of New Albany, GE General Employment District (Sections 1153.02 and 1153.03), provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses shall be prohibited:

1. Industrial product sales (See Section 1153.03(a)(1));
2. Industrial service (See Section 1153.03(a)(2));
3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition only applies to such facilities that are made available for rental to the general public;
4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use;
5. Vehicle services (See Section 1153.03(b)(4));
6. Radio/television broadcast facilities (See Section 1153.03(c)(1));
7. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
8. Off-premises signs (See Section 1153.03(c)(2)).

B. Lot and Setback Commitments:

1. Lot Coverage: There shall be a maximum lot coverage of 75%.

2. Setbacks:

- a. Jug Street: There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the Jug Street right-of-way. All utilities and utility-related screening and/or structures, excluding buildings, may be located within the building setback.
- b. Clover Valley Road: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the Clover Valley Road right-of-way. All utilities and utility-related screening and/or structures, excluding buildings, may be located within the building setback.

- c. Perimeter Boundaries: There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text.
- d. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels.

D. Architectural Standards:

- 1. Building Height: The maximum building height for structures shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.
- 2. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.
- 3. Building Design:
 - a. Building designs shall not mix architectural elements or ornamentation from different styles.
 - b. Buildings shall be required to employ a comparable use of materials on all elevations.
 - c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
 - d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.
 - e. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.
 - f. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.
 - g. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

h. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

4. Building Form:

a. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

b. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

5. Materials:

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels be permitted. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized.

d. Loading docks are not required to have same degree of finish as a main entry unless they are visible from a public right-of-way.

6. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangle box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the non-residential architecture for buildings that are located in the general vicinity of this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality

of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

A. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

B. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

C. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

D. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

E. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

7. Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.

E. Access, Parking, Site Circulation, and Traffic Commitments:

1. Access: Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curb cuts shall be determined and approved by the City Manager or their designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.

2. Parking and Loading: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

F. **Buffering, Landscaping, Open Space, and Screening:** A landscaping plan shall be reviewed as part of the City's review of a certificate of appropriateness application within this zoning. All submitted landscape plans shall be stamped/sealed by a Professional Landscape Architect. The following landscaping requirements shall apply:

1. **Tree Preservation:** Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
2. **Stormwater Management:** Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08, 1181 Stormwater Management and Runoff Control, and Section 1183 Soil Erosion and Sediment Pollution, of the Codified Ordinances of the City of New Albany.
3. **Parking Areas:** There shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.
4. **Minimum On-Site Tree Sizes:** Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.
5. **Permitting Verification:** Where applicable, all Ohio EPA and Army Corps of Engineers permitting requirements shall be met and verified.

G. **Lighting:**

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spillage beyond the boundaries of the site.
2. All parking lot lighting shall be of the same light source type and style.
3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.
4. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.
5. No permanent colored lights or neon lights shall be used on the exterior of any building.
6. All other lighting on the site shall be in accordance with City Code.
7. Street lighting must meet the City standards and specifications.

H. **Signage:** All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

I. **Utilities:** All new utilities installed solely to serve this zoning district shall be installed underground.

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RESOLUTION R-17-2025

A RESOLUTION AUTHORIZING THE AMENDMENT OF THE ANNEXATION AGREEMENT AND FIRST AMENDMENT BETWEEN PLAIN TOWNSHIP, THE CITY OF NEW ALBANY, AND THE CITY OF COLUMBUS TO REFLECT AND BE CONSISTENT WITH THE RECENTLY AMENDED SERVICE AREA BOUNDARY MAP IN THE WATER SERVICE AND SEWER DISPOSAL CONTRACTS WITH THE CITY OF COLUMBUS

WHEREAS, the cities of New Albany and Columbus are parties to a Water Service Contract and a Sewer Disposal Contract, each of which establish the terms of service including the service area boundaries for the cities of New Albany and Columbus; and

WHEREAS, the cities of New Albany and Columbus recently amended the Service Area Boundary Map set forth on the Water Service Contract and Sewer Disposal Contract Exhibit A as authorized by council via Resolution R-50-2024 and effective on April 10, 2025; and

WHEREAS, amendments to the Service Area Boundary Map have a direct impact on the Growth Areas that were designated and agreed to in the Annexation Agreement approved by council via R-80-2005 and executed by Plain Township, the City of New Albany, and the City of Columbus on February 26, 2008, and the First Amendment approved by council via Resolution R-48-2009 and executed by the parties on June 15, 2009; and

WHEREAS, the original Service Area Boundary Map was attached to the Annexation Agreement effective in 2008 and identified therein as Exhibit A; and

WHEREAS, Plain Township, the City of New Albany, and the City of Columbus wish to replace the original Service Area Boundary Map with the current Service Area Boundary Map effective in 2025; and

WHEREAS, Plain Township, the City of New Albany, and the City of Columbus also desire to replace the Agreement Territory Map identified in the Annexation Agreement and First Amendment where they were designated as Exhibit B; and

WHEREAS, per Section 1.3 of the Annexation Agreement, alteration of the Agreement Territory must be approved by the legislative authorities of all the parties.

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. The Council of the City of New Albany hereby approves the amendment of the Annexation Agreement between Plain Township, the City of New Albany, and the City of Columbus which was executed by Plain Township, the City of New Albany and the City of Columbus on February 26, 2008, and the First Amendment executed by the parties on June 15, 2009.

Section 2. This amendment to the Annexation Agreement and First Amendment shall consist solely of the replacement of the Service Area Boundary Map and the Map of the Agreement Territory, identified in those agreements as Exhibits A and B respectively, with maps that are substantially similar to those attached hereto; and the Amended Service Area Boundary Map shall be the version which was approved by New Albany City Council and made effective on April 10, 2025.

Section 3. Council hereby authorizes the city manager to execute any documents and/or take the necessary actions to replace the previous exhibits with the altered Exhibits A and B attached hereto.

Section 4. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 5. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 6th day of May, 2025.

Attest:



Matthew E. Shull
President Pro Tem



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 04/25/2025

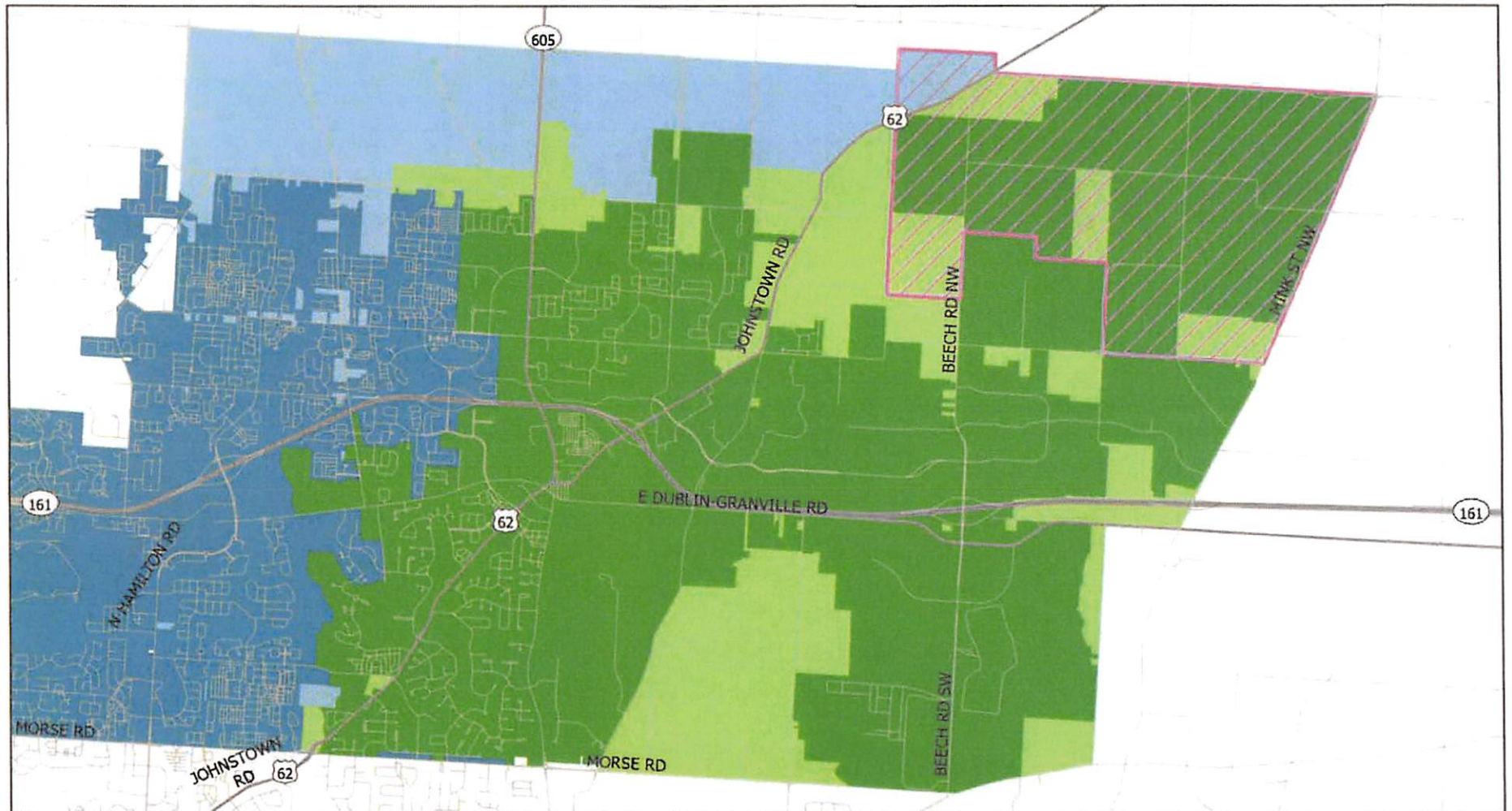
Introduced: 05/06/2025

Revised:

Adopted: 05/06/2025

Effective: 05/06/2025

New Albany - Columbus Agreement Exhibit A - R-17-2025








New Albany Water & Sewer Contract Service Area Boundaries:

0 0.5 1 2 Miles

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
PUBLIC UTILITIES

- | | |
|---|--|
|  City of Columbus Corporation Boundary |  Area A - Columbus Expansion Area |
|  City of New Albany Corporation Boundary |  Area B - New Albany Expansion Area |
| |  Area C - New Revenue/Equity Sharing Area |



