



Ordinance: 24-26

Passed: October 28, 2024
Effective: November 27, 2024

AMENDING CERTAIN SECTIONS OF PART FIVE – THE “GENERAL OFFENSES CODE” OF THE CITY’S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE AND TO PROVIDE FOR CODIFICATION OF THE AMENDMENTS.

WHEREAS, Part Five of the City’s Codified Ordinances – the “General Offenses Code” has been reviewed by the City’s Codifier and City staff in order to address certain changes in the Ohio Revised Code; and

WHEREAS, it is necessary to update the “General Offenses Code”, as shown on Exhibit “A”, attached hereto and incorporated herein, to ensure it corresponds with and does not conflict with the Ohio Revised Code regarding the same or similar topics; and

WHEREAS, the City desires to have CivicPlus prepare and publish the amendments in Exhibit “A” and provide supplement replacement pages and update the online version of the City’s Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio:

SECTION 1. City Council finds that amending Part Five of the City’s Codified Ordinances – the “General Offenses Code” as identified in Exhibit “A”, attached hereto and incorporated herein, is in the City’s best interest. The changes and additions to the Traffic Code, as shown in track changes in the attached Exhibit “A” are approved and shall be incorporated into the City’s Codified Ordinances.

SECTION 2. CivicPlus, the City’s Codifier, is hereby directed to supplement the City’s Codified Ordinances, as shown on Exhibit “A”.

SECTION 3. 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 Hilliard, 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 4. This Ordinance shall be in effect from and after the earliest time provided for by law.

ATTEST:

Diane C. Werbrich, MMC
Clerk of Council

SIGNED:

President of Council

APPROVED AS TO FORM:

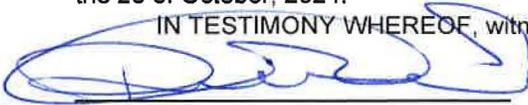


Thaddeus M. Boggs
Director of Law

CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance: **24-26** passed by the Hilliard City Council on the 28 of October, 2024.

IN TESTIMONY WHEREOF, witness my hand and official seal on the 28 of October, 2024.



Diane C. Werbrich, MMC

501.01 DEFINITIONS.

- (q) "School", "school building" and "school premises" have the same meaning as in ORC 2925.01.
- (r) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under ORC Ch. 3314; a governing ~~body~~ board of an educational service center; or the governing body of a ~~nonpublic~~ school for which the ~~State Board~~ Director of Education ~~and Workforce~~ prescribes minimum standards under ORC 3301.07.
- (s) "School bus" has the same meaning as in ORC 4511.01.

505.16 NUISANCE CONDITIONS PROHIBITED; ~~BARKING.~~

- ~~(a) No person being the owner, keeper or person having control of a dog, cat or other domestic animal or fowl, shall permit or allow such animal to annoy or disturb one or more of the inhabitants of two or more separate residences of this Municipality by the frequent or habitual howling, yelping, barking or making of other such noises within the corporate limits.~~
- (b) No person being the owner, keeper or person having control of a dog, cat or other domestic animal or fowl shall permit such animal to dig or defecate on any public or private property in the City, other than the property of the owner or person in control of such animal, or allow any animal to damage any part of a lawn, tree, shrub, plant, building or other property, other than the property of the owner or person in control of such animal, by means of urination. The foregoing prohibition as to defecation shall not apply when the person in control of such animal immediately removes all feces deposited by it and disposes of the same in a sanitary manner.

509.06 INDUCING PANIC.

- (e) As used in this section:
- (1) "Economic harm" means any of the following:
- A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this subsection includes, but is not limited to, all of the following:
1. All wages, salaries, or other compensation lost as a result of the criminal conduct;
 2. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
 3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
 4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- B. All costs incurred by the Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.07, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.
- (2) "School" means any school operated by a board of education or any school for which the ~~state board~~ 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 violation of this section is committed.

(3) *"Weapon of mass destruction"* means any of the following:

- A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
- B. Any weapon involving a disease organism or biological agent;
- C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
- D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:
 - 1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
 - 2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in subsection (e)(3)D.1. of this section and from which an item or device described in that subsection may be readily assembled.

(4) *"Biological agent"* has the same meaning as in ORC 2917.33.

(5) *"Emergency medical services personnel"* has the same meaning as in ORC 2133.21.

(6) *"Institution of higher education"* means any of the following:

- A. A state university or college as defined in ORC 3345.12(A)(1), community college, state community college, university branch, or technical college;
- B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the [Ohio Board of Regents](#) chancellor of higher education pursuant to ORC Chapter 1713.
- C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools under ORC Chapter 3332. (ORC 2917.31)

513.01 DEFINITIONS.

(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 Chapter 3314, or the governing body of a nonpublic school for which the [State Board](#) [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 Board of Pharmacy.

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

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

(b) (1) This section does not apply to the following:

A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with ORC Chapters 3719, 4715, 4729, 4730, 4731 and 4741;

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

C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.

As used in subsection (b)(1)D. of this section, "deception" and "theft offense" have the same meanings as in ORC 2913.01.

(2) A. As used in subsection (b)(2) of this section:

1. "Community addiction services provider" has the same meaning as in ORC 5119.01.

2. "Community control sanction" ~~and "drug treatment program" have~~ **has** the same meanings as in ORC 2929.01.

3. "Health care facility" has the same meaning as in ORC 2919.16.

4. "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.

5. "Post-release control sanction" has the same meaning as in ORC 2967.28.

6. "Peace officer" has the same meaning as in ORC 2935.01.

7. "Public agency" has the same meaning as in ORC 2930.01.

8. "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another

person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.

9. "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(a) No person, who is eighteen 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 years of age or older but less than sixteen 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 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. (ORC 2907.04)

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 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 years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four 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 or pleaded guilty to a violation of ORC 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of ORC 2907.02, 2907.03, 2907.04, 2907.05, or 2907.06, or former Section 2907.12 or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in ORC 2929.24, the court may impose on the offender a definite jail term of not more than one year. (ORC 2907.06)

533.15 RESIDENTIAL REQUIREMENTS FOR SEXUAL OFFENDERS.

(a) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to either:

(1) A sexually oriented offense that is not a registration-exempt sexually oriented offense for a crime committed against a child; or

(2) A child-victim oriented offense;

and who has been classified as either a sexual predator or as a sexually oriented offender as to either subsection (a)(1) or (2) hereof, shall establish a residence or occupy residential premises within 1,000 feet of any school premises, licensed **day child** care facility, preschool, children's crisis care facility premises, residential infant care center premises, or City-owned or operated public park.

(3) "*Children's crisis care facility*" has the same meaning as in section 5103.13 of the Revised Code.

(4) "*Children's crisis care facility premises*" means both of the following:

(A) The parcel of real property on which any children's crisis care facility is situated;

(B) Any grounds, play areas, and other facilities of a children's crisis care facility that are regularly used by the children served by the facility.

(5) "*Residential infant care center*" has the same meaning as in section 5103.60 of the Revised Code.

(6) "*Residential infant care center premises*" means both of the following:

(A) The parcel of real property on which any residential infant care center is situated;

(B) Any grounds, play areas, and other facilities of a residential infant care center that are regularly used by the children served by the center.

(b) If a person to whom subsection (a) hereof applies violates the provisions of subsection (a) by establishing a residence or occupying residential premises within 1,000 feet of any school premises, licensed **day child** care facility, preschool, children's crisis care facility premises, residential infant care center premises, or City-owned or operated public park located within the City, the Director of Law has a cause of action for injunctive relief against the person. The City shall not be required to prove irreparable harm in order to obtain the relief.

(c) The provisions of the Ohio Revised Code which are now or hereafter in effect concerning the definition, determination, registration or classification of a person who has been convicted of, is convicted of, has plead guilty to, or pleads guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and has been classified as a sexual predator, are hereby adopted.

(d) The determinations and intent articulated in ORC 2950.02 are hereby adopted. (ORC 2950.034) (Ord. 06-43. Passed 6-12-06; Ord. No. 22-43, § 1(Exh. A), 12-12-22; Ord. No. 23-25, § 1(Exh. A), 11-27-23.)

537.03 ASSAULT.

(e) As used in this section:

(1) "*Peace officer*" has the same meaning as in ORC 2935.01.

(2) *"Firefighter"* means any person who is a firefighter as defined in ORC 3937.41 and, for purposes of subsection (e)(21) of this section, also includes a member of a fire department as defined in section 742.01 of the Revised Code.

(3) *"Emergency medical service"* has the same meaning as in ORC 4765.01.

(4) *"Local correctional facility"* means a county, multicounty, municipal, municipal county or multicounty-municipal jail or workhouse. A minimum security jail established under ORC 341.23 or 753.21, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

(5) *"Employee of a local correctional facility"* means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.

(6) *"School teacher or administrator"* means either of the following:

A. A person who is employed in the public schools of the State under a contract described in ORC 3311.77 or 3319.08 in a position in which the person is required to have a certificate issued pursuant to ORC 3319.22 to 3319.311.

B. A person who is employed by a nonpublic school for which the [State Board Director](#) of Education and [Workforce](#) prescribes minimum standards under ORC 3301.07 and who is certified in accordance with ORC 3301.071.