

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RICHFIELD, STATE OF OHIO, AND CONFORMING TRAFFIC AND GENERAL OFFENSES CODE PROVISIONS TO STATE LAW CHANGES AND DECLARING AN EMERGENCY

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of the Village of Richfield, Ohio; and

WHEREAS, changes should be reflected in the Codified Ordinances to conform to statutory enactments of the Ohio General Assembly.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That the editing, arrangement and numbering of those ordinances and resolutions enacted by Council from December 31, 2023 to June 18, 2024, are hereby approved and adopted as printed in the June 2024 Replacement Pages to the Codified Ordinances to as to achieve uniformity of style and classification. A copy of such Replacement Pages are attached to this ordinance and incorporated as a part hereof.

SECTION 2. The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Traffic Code

NO CHANGES

General Offenses Code

513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added)
529.07 Open Container Prohibited. (Amended)


SECTION 3. All prior ordinances or parts thereof inconsistent with any provision of the June 2024 Replacement Pages are hereby repealed.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the residents of Richfield Village, Ohio, for the reason that there exists an imperative necessity for the earliest publication and distribution of the June 2024 Replacement Pages to the Codified Ordinances to the officials and residents of the Village, so as to facilitate administration, daily operation and avoid practical and legal entanglements; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: 8-20-24

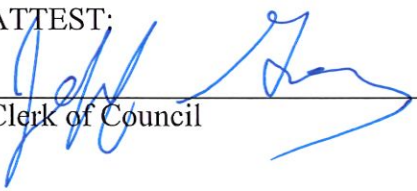


President of Council



Mayor

Dated: 8/21/2024

ATTEST:


Clerk of Council

(r) Special Committees. All special committees shall be appointed by the presiding officer, unless otherwise directed by Council.

(s) Standing Committees.

(1) The standing committees of Council shall be as follows:

- A. Finance
- B. Public Works, Building and Grounds (Water, Sewers, Sidewalks, Electric, Gas and Telephone)
- C. Streets and Highways
- D. Public Safety (Police, Fire, Health, Emergency and Civil Defense)
- E. Mundialization
- F. Park Board Representative
- G. Insurance
- H. Richfield Township Liaison
- I. RJRD Liaison
- J. Information Technology
- K. Revere Schools Liaison

(2) The President of Council shall appoint all Committees including the Chairperson thereof.

(3) Members of all Committees, shall be limited to a maximum of three members of Council.

(4) Robert's Rules of Order shall govern the conduct of business at all Committee meetings as far as the same may be applicable.

(5) A vote on a matter before a Committee shall not, necessarily, bind a member of the Committee if the matter is again considered by Council.

(6) Committees shall act in an advisory capacity only and shall have no power other than to report to Council with recommendations and advice.

(7) The Chairperson of each Committee shall run the Committee meetings and take minutes.

(8) The Chairperson of each Committee shall work with the Clerk of Council to make all notifications to the news media of each Committee meeting. The Clerk of Council shall post the agenda for the Committee meeting at least twenty-four hours in advance of the meeting. Posting is required in the Village Hall and website.

(9) The public and noncommittee members of Council may attend any Committee meeting but may not participate in any deliberations.

(10) Clerk of Council shall distribute all committee agendas to all members of Council or by email. (Ord. 17-2023. Passed 3-7-23.)

(t) Regular meetings shall be held on the first and third Tuesday of every month at 6:30 p.m. in the Council Chambers. If the first or third Tuesday falls on a holiday or on an election day that is not a primary or special election, then on the following Wednesday. Emergency and/or special meetings shall be in accordance with Section 4.09 of the Charter of the Village.

(u) Absence and Vacancy. Section 3.04 of Article III of the Charter of the Village of Richfield.

- A. Same as in Charter.
- B. Same as in Charter.

- C. If the office of the President of Council becomes vacant, the Vice President of Council shall automatically become President for the unexpired term and Council shall proceed to elect a Vice President for the unexpired term in the manner provided in Section 4.05 of Article IV of the Charter of the Village of Richfield. If the Vice President declines to serve as President of Council, he shall not thereby cease to be Vice President of Council; Council shall then proceed to elect a President of Council in the manner provided in Section 4.05 of Article IV of the Charter of the Village of Richfield. If the office of Vice President of Council becomes vacant, Council shall proceed to elect a Vice President for the unexpired term in the manner provided in Section 4.05 of Article IV of the Charter of the Village of Richfield.

(v) Except as otherwise provided, Roberts Rules of Order, as they may be revised, shall govern the deliberations of Council.

(w) Active and Inactive Ordinances. Ordinances and resolutions are placed on the active agenda for first reading when they are first introduced. If an ordinance or resolution is referred to a committee or board for further study, or placed on hold for legal review or some other action, the item will remain on the active agenda for a second reading. An ordinance or resolution which is not ready for final Council action after its second reading may be placed on the inactive agenda by motion and vote. The inactive agenda will list tabled ordinances and resolutions. The inactive agenda will be placed at the end of the agenda for each Council meeting.

(x) Expiration of Ordinances. If an ordinance or resolution is not finally acted upon within one year of introduction, it shall automatically expire and be removed from the inactive agenda. Council may extend the time of a particular ordinance or resolution to continue it on the agenda despite the expiration of one year from its date of introduction. The Clerk of Council shall notify Council at least two weeks before an ordinance or resolution is due to expire as a result of no action being taken within one year from the date of introduction. (Ord. 17-2023. Passed 3-7-23.)

(c) Police personnel who are appointed shall be on a probationary status for no less than six months from the date of such appointment. At the termination of the police personnel's probationary period, the personnel's appointment or removal shall be pursuant to the Charter.

(d) Fire personnel who are appointed shall be on a probationary status for no less than one (1) year from the date of such appointment, which status may be extended by the Village for as much as an additional six (6) months.
(Ord. 10-2024. Passed 3-5-24.)

153.04 WORK HOURS.

(a) Compensation and benefits shall be computed on a standard work week consisting of forty hours, starting at 12:01 a.m. Monday. The standard work year shall consist of 2,080 hours, unless otherwise specifically provided herein.

(b) Hourly compensation rates for all salaried personnel shall be determined by dividing the annual base compensation by 2,080.

(c) The normal work day for Village Offices shall consist of seven and one-half hours starting at 8:00 a.m. and ending at 4:30 p.m. The normal meal time shall be from 12:00 noon to 1:00 p.m. (Ord. 6-1981. Passed 2-3-81.)

(d) The normal work week for employees of the Department of Public Service shall consist of forty hours. Days of the week and shift hours may vary to accommodate effective use of personnel and equipment in circumstances such as but not limited to longer daylight hours during summer months and seasonal work such as brush chipping in the spring and fall and snow plowing in the winter. An unpaid half hour off for lunch will be provided.
(Ord. 30-2013. Passed 6-18-13.)

(e) The normal work day for the employees of the Division of Police and Dispatch Office shall consist of twenty-four hours, starting at 7:00 a.m. The twenty-four hours shall be divided into three shifts of eight hours each, starting at 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m. and 11:00 p.m. to 7:00 a.m. Patrolmen shall be provided one-half hour during each shift for meals, and such time shall be taken when time shall allow.
(Ord. 6-1981. Passed 2-3-81.)

153.05 ANNUAL LEAVE.

(a) All full-time employees shall be entitled to the following paid vacation:

<u>Years of Service</u>	<u>Annual Leave</u>
Employment years 00 through 01	0 weeks vacation
Employment years 02 through 04	2 weeks vacation
Employment years 05 through 09	3 weeks vacation
Employment years 10 through 19	4 weeks vacation
Employment years 20+	5 weeks vacation

(b) Annual leave shall be taken at such time as the department head directs, subject to the department head's administrative discretion.
(Ord. 24-2007. Passed 6-5-07.)

(c) Each employee will be encouraged to take full vacation in the year in which it is earned. Full-time employees may bank up to one half (½) of their vacation time annually, up to a maximum of twenty (20) weeks. Employees shall have the option to be paid for unused vacation time at the end of the anniversary year in which it is earned at the rate in effect in the year it is earned.

(d) Upon separation from employment, an employee shall be entitled to compensation for any unused annual leave and banked vacation time up to twenty (20) weeks. An employee who has less than one year of service shall not be entitled to compensation. (Ord. 30-2013. Passed 6-18-13.)

(e) In case of the death of an employee the value of unused annual leave shall be paid to the spouse of the deceased, and if no surviving spouse, then to the estate.

(f) A record shall be maintained for each employee showing days earned, days used and the balance available for annual leave.

(g) All part-time employees who were employed by the Village in any prior year in excess of 1,600 hours shall be entitled to the following paid vacations:

(1) <u>Years of Service</u>	<u>Annual Leave</u>
Less than 1	None
1 or more	To accumulate at the rate of .038 hours per hour worked with a maximum of 80 hours annually.

The annual leave for each eligible part-time employee shall be taken as the department head directs subject to his administrative discretion. Such annual leave is not cumulative and shall not be postponed until the following anniversary year. All other rules and regulations concerning annual leave for full-time employees shall apply to an annual leave for an eligible part-time employee. (Ord. 24-2007. Passed 6-5-07.)

153.06 PAID HOLIDAYS.

(a) In addition to the vacation periods set forth in Section 153.05, all full-time employees shall be entitled to the following paid holidays:

New Year's Day, plus one extra day
 Martin Luther King Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving and the Friday thereafter
 Christmas Day, plus one extra day.

(b) The extra holiday with Christmas and New Year's Day shall be the day prior to or the day after Christmas and New Year's Day whichever is convenient to the weekend and shall be determined by the Mayor.

(c) Where one of the above holidays is Saturday, the employee shall be entitled to the preceding Friday as a paid holiday. Where one of the above holidays is on Sunday, the employee shall be entitled to the following Monday as a paid holiday.

CHAPTER 513
Drug Abuse Control

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|--------|---|---------|--|
| 513.01 | Definitions. | 513.10 | Hypodermic possession, display and dispensing. |
| 513.02 | Gift of marihuana. | 513.11 | Harmful intoxicants; possessing nitrous oxide in motor vehicle. |
| 513.03 | Drug abuse; controlled substance possession or use. | 513.12 | Drug paraphernalia. |
| 513.04 | Possessing drug abuse instruments. | 513.121 | Marihuana drug paraphernalia. |
| 513.05 | Permitting drug abuse. | 513.13 | Counterfeit controlled substances. |
| 513.06 | Illegal cultivation of marihuana. | 513.14 | Offender may be required to pay for controlled substance tests. |
| 513.07 | Possessing or using harmful intoxicants. | 513.15 | Sale of dextromethorphan. |
| 513.08 | Illegally dispensing drug samples. | 513.16 | Adult use cannabis control; limitations on conduct by individuals. |
| 513.09 | Controlled substance or prescription labels. | 513.99 | Penalty. |

CROSS REFERENCES

- See sectional histories for similar State law
Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19
Analysis report and notarized statement as evidence - see Ohio R.C 2925.51
Criteria for granting probation - see Ohio R.C 3719.70(B)
Adulterating food with drug of abuse - see GEN. OFF. 537.13
Using weapons while under the influence - see GEN. OFF. 549.03
Prohibition of medical marijuana activities - see P. & Z. 1183.02

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." Has the same meaning as in Ohio R.C. 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
- (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

- (d) "Bulk amount." Of a controlled substance, means any of the following:
- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
 - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
 - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
 - (2) An amount equal to or exceeding 120 grams or thirty 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 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
 - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;

(c) For purposes of subsection (b) of this section, the person making the sale of a product containing dextromethorphan shall require and obtain evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older. Proof that the person making the sale demanded, was shown, and acted in reasonable reliance on the purchaser's evidence of majority and identity is a defense to any charge of a violation of subsection (b) of this section.

(d) A retailer or employee of a retailer is not liable for damages in a civil action for injury, death or loss to person or property that allegedly arises from an act or omission associated with a failure to prevent the sale of a product containing dextromethorphan to a person under eighteen years of age, unless the act or omission constitutes willful or wanton misconduct.

(e) Whoever violates subsection (b) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor.
(ORC 2925.62)

513.16 ADULT USE CANNABIS CONTROL; LIMITATIONS ON CONDUCT BY INDIVIDUALS.

(a) Except as otherwise provided in Ohio R.C. Chapter 3780 and notwithstanding any conflicting provision of this code or the Ohio Revised Code, an adult use consumer, may do the following:

- (1) Use adult use cannabis;
- (2) Possess, transfer without remuneration to another adult consumer, or transport adult use cannabis, subject to subsection (b) of this section; and
- (3) Purchase adult use cannabis from an adult use dispensary per day in amounts that do not exceed the possession limits set forth in subsection (b)(1) of this section.

(b) Except as otherwise provided in Ohio R.C. Chapter 3796:

- (1) The amount of cannabis that may be possessed by an adult use consumer shall not exceed:
 - A. Two and one-half ounces of adult use cannabis in any form except adult use extract; and
 - B. Fifteen grams of adult use cannabis in the form of adult use extract.
- (2) The amount of cannabis that may be transferred by an adult use consumer without remuneration and not advertised or promoted to the public shall not exceed:
 - A. Two and one-half ounces of adult use cannabis in any form except adult use extract; and
 - B. Fifteen grams of adult use cannabis in the form of adult use extract.
- (3) The amount of cannabis that may be transported by an adult use consumer shall not exceed:

- A. Two and one-half ounces of adult use cannabis in any form except adult use extract; and
- B. Fifteen grams of adult use cannabis in the form of adult use extract.

(c) Except as otherwise provided in Ohio R.C. Chapter 3780, an adult use consumer shall not be subject to arrest, criminal prosecution, or civil penalty for engaging in any of the activities authorized under Ohio R.C. Chapter 3780, including:

- (1) Obtaining, using, possessing, or transporting adult use cannabis;
 - (2) Performing conduct authorized under Ohio R.C. 3780.29;
 - (3) Acquiring, possessing, using, purchasing, manufacturing, selling, or transporting paraphernalia; and
 - (4) Assisting another adult use consumer, or allowing property to be used, in any of the acts authorized by Ohio R.C. Chapter 3780.
- (d)
- (1) An individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while using adult use cannabis or while under the influence of adult use cannabis and is subject to Ohio R.C. 4511.19 or a substantially equivalent municipal ordinance for any violation of this division.
 - (2) An individual is prohibited from smoking, vaporizing, or using any other combustible adult use cannabis product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft and is subject to Ohio R.C. 4511.19 or a substantially equivalent municipal ordinance for any violation of this section.

(e) Except as otherwise provided in Ohio R.C. Chapter 3780, no individual under twenty-one years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780.

(f) Nothing in Ohio R.C. Chapter 3780 is intended to permit the transfer or sale of adult use cannabis, with or without remuneration, to an individual under twenty-one years of age, or to allow an individual under twenty-one years of age to purchase, possess, use, process, transport, or cultivate cannabis except where authorized by Ohio R.C. Chapter 3796.

(g) It is unlawful for any parent or guardian to knowingly permit their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under twenty-one years of age, in a manner that constitutes a violation of Ohio R.C. Chapter 3780.

- (1) A parent or guardian is deemed to have knowingly permitted their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used in violation of Ohio R.C. Chapter 3780 if they knowingly authorize or permit consumption of cannabis by underage invitees.
- (2) Where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.
(ORC 3780.36)

(h) Penalties.

- (1) Except as otherwise provided in Ohio R.C. Chapter 3796, Ohio R.C. 2925.11 or a substantially equivalent municipal ordinance shall apply when an adult use consumer possesses an amount of cannabis greater than the limits set forth in subsection (b)(1) of this section.
- (2) Except as otherwise provided in Ohio R.C. Chapter 3780, an adult use consumer who uses adult use cannabis in public areas, or who violates subsection (d)(2) of this section as a passenger, is guilty of a minor misdemeanor.
- (3)
 - A. An individual under twenty-one years of age who knowingly shows or gives false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780 is guilty of a misdemeanor of the first degree. If, in committing a first violation, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months.
 - B. On a second violation in which, for the second time, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
 - C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to an adult use dispensary licensed under Ohio R.C. Chapter 3780 a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months.

Except as provided in this subsection, the court also may impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.

- (4) An individual who is under twenty-one years of age and who solicits another individual to purchase adult use cannabis from an adult use dispensary licensed under Ohio R.C. Chapter 3780 is guilty of:
 - A. For a first violation, a misdemeanor of the fourth degree; and
 - B. For a second or subsequent violation, a misdemeanor of the second degree.
- (5) An employee or agent of an adult use dispensary licensed under Ohio R.C. Chapter 3780 who knowingly sells cannabis to an individual under twenty-one years of age is guilty of a misdemeanor of the first degree.
- (6) Any individual who violates Ohio R.C. 3780.10(A), or 3780.29(F), is guilty of the illegal trafficking in drugs under Ohio R.C. 2925.03 and the illegal manufacture of drugs under Ohio R.C. 2925.04.
- (7) Any individual who violates subsection (b)(2) or (b)(3) of this section is guilty of the illegal trafficking in drugs under Ohio R.C. 2925.03.
- (8) Any individual who violates Ohio R.C. 3780.20(B) is guilty of illegal dispensing of drug samples under Ohio R.C. 2925.36 or a substantially equivalent municipal ordinance.
- (9)
 - A. An individual who violates subsection (g) of this section is guilty of:
 1. For a first violation, a misdemeanor of the third degree; and
 2. For a second or subsequent violation, a misdemeanor of the first degree.
 - B. If a violation of subsection (g) of this section directly or indirectly results in great bodily harm or death to any individual, the individual violating subsection (g) is guilty of a felony to be prosecuted under appropriate state law.
(ORC 3780.99)

513.99 PENALTY.

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

529.07 OPEN CONTAINER PROHIBITED.

- (a) As used in this section:
- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
 - (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.
- (b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:
- (1) In a State liquor store;
 - (2) Except as provided in subsection (c) or (i) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
 - (3) In any other public place;
 - (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
 - (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
- (c) (1) A person may have in the person's possession an opened container of any of the following:
- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2(f), A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, F-7, F-8 or F-9 permit;
 - B. Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
 - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
 - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
 - E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in Ohio R.C. 4301.171.
 - F. Beer or intoxicating liquor to be consumed in an outdoor area described in Ohio R.C. 4303.188(B)(1).
- (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which

the F permit is issued. As used in this section, “music festival” means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

- (3) A. A person may have in the person’s possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.
- B. As used in subsection (c)(3)A. of this section:
1. “Orchestral performance” means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
 2. “Outdoor performing arts center” means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.
- (4) A person may have in the person’s possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.
- (5) A person may have in the person’s possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.
- (6) A. A person may have in the person’s possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:
1. The person is attending a racing event at the facility; and
 2. The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility;
- B. As used in subsection (c)(6)A. of this section:
1. “Racing event” means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.
 2. “Outdoor motorsports facility” means an outdoor racetrack to which all of the following apply:
 - a. It is two and four-tenths miles or more in length.
 - b. It is located on two hundred acres or more of land.

CODIFIED ORDINANCES OF RICHFIELD
PART SEVEN - BUSINESS REGULATION CODE

- Chap. 701. General Provisions.
- Chap. 711. Bowling, Billiards and Pool.
- Chap. 713. Circuses, Carnivals and Musical Entertainments.
- Chap. 715. Peddlers, Itinerant Vendors and Solicitors.
- Chap. 717. Temporary Stores. (Repealed)
- Chap. 721. Emergency Alarms.
- Chap. 725. Oil and Gas Wells.
- Chap. 726. Recovery of Costs of Emergency Actions.
- Chap. 727. Licensing and Operation of Sexually Oriented Businesses.
- Chap. 729. Helicopters.
- Chap. 731. Video Service Providers.
- Chap. 733. Tobacco Products.
- Chap. 735. Recreational Marijuana.

CHAPTER 717
Temporary Stores (Repealed)

(EDITOR'S NOTE: Former Chapter 717 was repealed by Ordinance 15-2024, passed March 19, 2024.)

CHAPTER 735
Recreational Marijuana

735.01 Definitions.
735.02 Prohibitions.

735.99 Penalty.

735.01 DEFINITIONS.

As may be used in this Chapter, the following definitions set forth in Section 3780.01 of Chapter 3780 of the current Revised Code are applicable and restated herein:

- (a) "Adult use cannabis" or "cannabis" or "marijuana" means marihuana as defined in Section 3719.01 of the Revised Code.
- (b) "Adult use cannabis operator" means a level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, and an adult use dispensary.
- (c) "Adult use cultivator" means a level I adult use cultivator or a level II adult use cultivator.
- (d) "Adult use dispensary" means a person licensed pursuant to Section 3780.15 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to sell adult use cannabis as authorized.
- (e) "Adult use processor" means a person licensed pursuant to Section 3780.14 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to manufacture adult use cannabis as authorized.
- (f) "Cultivation area" means the boundaries of the enclosed areas in which adult use cannabis is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.
- (g) "Cultivation facility" means a facility where an adult use cultivator or a level III adult use cultivator is authorized to operate.
- (h) "Dispensary" means a person who has a certificate of operation to operate a dispensary under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- (i) "Level I adult use cultivator" means either a person who has a certificate of operation as a level I cultivator and who is licensed pursuant to Section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level I adult use cultivator pursuant to Section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized.

- (j) "Level II adult use cultivator" means either a person who has a certificate of operation as a level II cultivator and who is licensed pursuant to Section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level II adult use cultivator pursuant to Section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized.
- (k) "Level III adult use cultivator" means a person licensed pursuant to Section 3780.13 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized.
- (l) "Level I cultivator" means a person who has a certificate of operation to operate as a level I cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- (m) "Level II cultivator" means a person who has a certificate of operation to operate as a level II cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- (n) "License" means a license by the division of cannabis control to a license applicant pursuant to Chapter 3780 of the Revised Code and the rules adopted thereunder.
- (o) "License applicant" means an individual or person who applies for a license under Chapter 3780 of the Revised Code.
- (p) "License holder" or "Licensee" means an adult use cannabis operator, adult use testing laboratory or an individual who is licensed under the provisions of Chapter 3780 of the Revised Code.
- (q) "Manufacture" means the process of converting harvested plant material into adult use extract by physical or chemical means for use as an ingredient in an adult use cannabis product.
- (r) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.
- (s) "Processor" means a person who has been issued a processing certificate of operation pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code. (Ord. 38-2024. Passed 6-4-24.)

735.02 PROHIBITIONS.

- (a) No person or entity shall operate within the Village of Richfield as an Adult Use Cannabis Operator.
- (b) No person or entity owning, renting, leasing, or having any interest whatsoever in real property located within the Village of Richfield shall operate, authorize or permit any person or entity to operate within the Village of Richfield as an Adult Use Cannabis Operator.

(c) No person or entity shall enter upon or occupy any public property, street, or right-of-way within the Village of Richfield to operate as an Adult Use Cannabis Operator within the Village of Richfield. (Ord. 38-2024. Passed 6-4-24.)

735.99 PENALTY.

(a) Whoever violates Section 751.02(a) and/or Section 751.02(b) is guilty of a misdemeanor of the first degree. Each violation shall be deemed to be a separate offense.

(b) Whoever violates Section 751.02(c) is guilty of a misdemeanor of the first degree. Each violation shall be deemed to be a separate offense.
(Ord. 38-2024. Passed 6-4-24.)

CHAPTER 945
Cemeteries

945.01	Definitions.	945.05	Interments; rules and charges.
945.02	Rules for lot sale and interment.	945.06	Exhumation.
945.03	Burial space pricing and restrictions.	945.07	Monuments and headstones.
945.04	Grades; planting and decorations.	945.08	Rules of conduct.
		945.09	Department of Public Service information.
		945.99	Penalty.

CROSS REFERENCES

Management and control by Director of Public Service - see CHTR. 6.03
 Burials may be prohibited - see Ohio R.C. 759.05
 Union cemeteries - see Ohio R.C. 759.27 et seq.
 Burial permits - see Ohio R.C. 3705.24 et seq.
 Burial of indigent persons - see Ohio R.C. 5113.15

945.01 DEFINITIONS.

(a) For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise. For all locations in the rules, the singular may be interchanged with the plural for any reference to a burial space. For all locations in the rules, burial space means casket or cremains.

- (1) Burial Space means graves, lot, plot, crypt, or columbarium niche.
- (2) Burial Permit means a burial permit issued pursuant to Section 3705.17 of the Ohio Revised Code, or a Certification of cremated remains from a cremation service.
- (3) Columbarium means an above ground structure containing multiple cremation niches.
- (4) Crypt means space in a mausoleum for a full casket.
- (5) Exhume/Exhumation means to remove from a burial space, to disinter.
- (6) Grantee means a person to whom a grant or conveyance is made of a burial space.
- (7) Headstone Monument means a stone marking the head of a burial space.
- (8) Interment means a burial.
- (9) Lot means the lot card showing five (5) burial spaces numbered one to five (1-5).
- (10) Marker means a stone flush or slightly raised from the ground.

- (11) Mausoleum means a large above ground structure containing multiple burial spaces or niches.
- (12) Niche means a space in a columbarium, mausoleum or niche wall to hold a cremation urn.
- (13) Grade means the degree of surface inclination of the ground at a burial space. (Ord. 37-2024. Passed 6-4-24.)

945.02 RULES FOR LOT SALE AND INTERNMENT.

(a) Cemetery burial spaces shall be sold only to residents of Richfield Village and of Richfield Township and to former residents who were residents of the Village or of the Township for a minimum of ten (10) years prior to the date of purchase. A notarized affidavit as proof of residence will be required for purchase of a burial space.

(b) The following persons may be buried in any cemeteries maintained by the Village:

- (1) The owner of record of a burial space or a qualified grantee of a burial space.
- (2) His or her parents or grandparents.
- (3) His or her children and grandchildren.
- (4) Any person who at the date of his or her death is the husband, wife, daughter-in-law, or son-in-law of the owner of record or qualified grantee of a burial space.

(c) Upon the death of an owner of record of a burial space, his or her heirs or devisees, shall file with the Director of Public Service competent proof of their right to the continued use and ownership of the burial space. The Director of Public Service, in his discretion, may refuse to permit further burials in such burial until such proof is presented to and accepted by the Director of Public Service.

(d) The Mayor, upon the approval of a majority of the members elected or appointed to Council, may waive the provisions of subsections (a) and/or (b) of this section upon the express finding of the existence of extenuating or mitigating circumstances that, in the sole discretion of the Mayor and Council, warrant the waiver of either or both of such subsections.

- (1) The owner of record of any burial space is prohibited from selling or offering for sale any burial space, except the owner may sell or otherwise convey the owner's ownership rights to a burial space to the Village. When the owner conveys the ownership rights to a burial space to the Village, the original purchase price shall be returned to the owner and the space shall be made available for purchase to any eligible person.
- (2) An owner of a burial space who wishes to gift or bequest the right to use a burial space to another may only do so when such gift or bequest is permitted by these rules. When the rules permit such gift or bequest, the owner of a burial space shall provide to the Director of Public Service a notarized letter stating the owner's desire to make a gift or bequest of the right to use a burial space to the specified recipient. Upon receipt of said notarized letter, the Director of Public Service shall determine whether the gift or bequest is permitted by these Rules. If the gift or bequest is

permitted by these rules, then the Director of Public Service shall provide the recipient of such gift or bequest with a limited deed conveying only the right to use the burial space as set forth in the gift or bequest. Said deed shall clearly indicate that the recipient of such gift or bequest only possesses the right to use that burial space and does not own the burial space.

(e) For all locations in this Chapter the singular may be interchanged with the plural for any reference to a burial space. (Ord. 37-2024. Passed 6-4-24.)

945.03 BURIAL SPACE PRICING AND RESTRICTIONS.

All burial spaces shall be paid for at the time of purchase. The charge for a burial space shall be as follows:

BURIAL SPACE PRICING	Full Burial Space	Cremation Burial Space	Mausoleum Crypt	Mausoleum Niche	
				1st	2nd
Richfield Veterans	\$750	\$375	\$1,400	\$750	\$750
Richfield Village Resident	\$1,000	\$500	\$1,500	\$1,100	\$750
Richfield Township and Former Resident	\$1,500	\$750	\$1,625	\$1,700	\$1,000

- (a) A cremation grave, which is sized at 4' x 5', may contain no more than two (2) cremation urns placed one above the other top to bottom of the grave.
- (b) After the effective date of this subsection, two (2) cremation urns shall be permitted to be placed in the same grave with one (1) casket. The casket shall be placed first, at the bottom of the grave, with the cremation urns placed on top of the casket.
- (c) A mausoleum and columbarium cremation niche may contain no more than two (2) cremation urns.
- (d) Full sized burial space may contain no more than four (4) cremation urns in lieu of containing a casket.
- (e) Every ground interment of a casket shall be required to be placed in a burial vault.
- (f) A wooden monument, the size and location of which must be approved by the Director of Public Service, is permitted as a temporary marker for a period not to exceed one (1) year from the date of burial.
(Ord. 37-2024. Passed 6-4-24.)

945.04 GRADES; PLANTING AND DECORATIONS.

- (a) An owner of any burial space shall not be permitted to change the grade of any burial space to conform to a raised marker, monument, or for any other purpose.
- (b) Fences, walls, hedges, posts, chains, curbing, edging, or enclosures of any kind around any burial space shall not be permitted.

(c) No shrubs, trees, potted plants, benches, chairs or planters, trellises, candles/open flames, lighting of any kind, statues or other items shall be permitted on burial space, except with the approval of the Director of Public Service. The use of flower receptacles projecting above ground level are prohibited. Only flush in-ground flower vases will be installed by the Village, at the discretion of the Director of Public Service, and at the cost of the Owner.

(d) The Village retains sole control and supervision of all burial spaces that have been sold. The Director of Public Service is authorized to enter upon any burial space to modify or remove any structure, object, planting, or adornment on such burial space that have been erected or placed in violation of this Chapter.

(e) A deed to any burial space in any Village cemetery does not confer any right to do any planting or to erect any monument, headstone, mausoleum, monumental vase or any other structure, except in accordance with this Chapter.

(f) The Director of Public Service may, in their sole discretion, remove any tree or shrub standing on or over any burial space that is diseased or decayed or has become detrimental to adjacent lots, walks or driveways.

(g) All holiday decorations, religious symbols and wreaths may be placed no earlier than thirty (30) days prior to a national or religious holiday and must be removed within fifteen (15) days after such national or religious holiday.

(h) The planting of annuals is permitted within ten (10) inches of a headstone or marker and only on the burial side of the headstone or marker. Owner is required to maintain the plantings. The Director of Public Service is authorized to enter upon a burial space and remove any planting that has not been maintained by an owner.

(i) Any decorations specifically designating a burial space as that of a veteran of the United States Armed Forces, such as a flag holder and/or designation of military branch, theater or service, may be permanently placed with the expressed written permission of the Director of Public Service without prior notice to burial space owner.
(Ord. 37-2024. Passed 6-4-24.)

945.05 INTERMENTS; RULES AND CHARGES.

(a) The charges and fees for interment, opening and closing of a grave, final leveling and seeding of the grave site, and exhumation shall be as follows:

INTERMENT CHARGES	RICHFIELD VETERANS	RICHFIELD VILLAGE RESIDENTS	RICHFIELD TOWNSHIP RESIDENT AND FORMER RESIDENTS
Interment-Full Burial	\$335.00	\$600.00	\$800.00
Interment-Cremains or Infant Burial Half Grave (4' x 5')	\$250.00	\$300.00	\$500.00
Mausoleum Interment-Crypt	\$200.00	\$200.00	\$325.00
Mausoleum Niche Conversion Interment	Interment and plaque is included in Burial Space prices listed in Section 945.03 above		
Mauseolum Interment - Niche	\$100.00	\$100.00	\$150.00
ADDITIONAL FEES			
Late Burial Fee (after 3 p.m.)	\$200.00	\$200.00	\$200.00
Saturday Burial Fee	\$300.00	\$300.00	\$300.00
Exhumation - Full Burial	Actual Cost of labor & equipment	Actual Cost of labor & equipment	Actual Cost of labor & equipment
Exhumation - Cremains	\$250.00	\$300.00	\$500.00
Foundation Removal	\$500.00 - \$1,000.00	\$500.00 - \$1,000.00	\$500.00 - \$1,000.00

(b) All burials shall be in graves equipped with concrete or metal vaults constructed in accordance with specifications on file in the office of the Director of Public Service and installed by persons skilled in such work. In the case of cremations, all burials shall be in air-tight and water-tight crematory. All in-ground burial cremation urns shall be cultured marble unless otherwise approved by the Director of Public Service.

(c) Two (2) business days' notice is required for the preparation of a burial space, unless Director of Public, in the Director's sole discretion, waives the notice requirement.

(d) Internments on Sundays or holidays are not permitted, unless Director of Public Service, in the Director's sole discretion, waives such restriction.

(e) No interment shall be permitted in any Village cemetery until all burial space purchase and interment fees have been paid and body or cremains to be interred is accompanied by a burial permit issued under Section 3705.17 of the Ohio Revised Code.

(f) All charges for interments or exhumation are due and payable when the request is made by personal check, money order, or credit card. No cash will be accepted. (Ord. 37-2024. Passed 6-4-24.)

945.06 EXHUMATION.

(a) Any person desiring to exhume a body or other remains from Village cemeteries shall provide at least two (2) business days' notice in writing of the desire to exhume a body or other remains to the Director of Public Service. The date and time of any exhumation shall be determined at the discretion of the Director of Public Service.

(b) The exhumation of a body or other remains shall occur only if the Director of Public Service is first provided the appropriate written consent or authority to perform such exhumation in accordance with the following:

- (1) A court order from a court of competent jurisdiction ordering the exhumation of the deceased sought to be exhumed.
- (2) The duly appointed Administrator of the estate of the deceased sought to be exhumed.
- (3) The surviving spouse of the deceased sought to be exhumed.
- (4) All surviving adult children of the deceased sought to be exhumed if there is no surviving spouse.
- (5) All living parents of the deceased sought to be exhumed if there is no surviving spouse or surviving adult children.

(c) Individuals not listed in subsection (b)(1) through (5) shall not be entitled to exhume a body or other remains from any Village cemetery unless such person provides the Director of Public Service with a court order from a court of competent jurisdiction ordering the exhumation of the deceased sought to be exhumed or unless those individuals identify another provision of state or local law entitling them to lawfully request exhumation. (Ord. 37-2024. Passed 6-4-24.)

945.07 MONUMENTS AND HEADSTONES.

(a) No monument, headstone, or flush marker shall be erected or placed in any Village cemetery until its size and proposed location upon any burial space have been approved by the Director of Public Service.

(b) After the effective date of this subsection, an individual monument, headstone or flush marker shall contain the minimum information of the individual's name and dates of birth and death. All monuments and headstones shall be placed at the West end of the grave, with the engraving facing East. (engraving permitted on both sides)

(c) No monuments, headstones or flush markers shall be set in any Village cemetery from May 20 through May 31 of each year. All markers to be installed in the fifth and sixth additions of the West Richfield Cemetery, and in Section D of the Fairview Cemetery, shall be granite or bronze and flush with the ground surface.

(d) Only single markers flush with the ground surface shall be permitted in any cremation burial space section of any Village Cemetery.

(e) Any person desiring to erect a monument must purchase, at a minimum, two (2) graves directly contiguous to each other. The length of the monument shall not exceed five (5) feet.

(f) A single, flush marker, or a pillow stone may be placed on a burial space with the individual's name and dates of birth and death if a monument previously erected contains only the last name of the family. A foot marker may be used for a Veteran if a headstone already exists.

(g) The Director of Public Service shall respond to all requests for foundation pricing for all monuments, headstones, or markers.

(h) All columbarium niche plaques shall be of uniform design as determined by the Director of Public Service.
(Ord. 37-2024. Passed 6-4-24.)

945.08 RULES OF CONDUCT.

(a) Cemeteries are established for the burial of the dead and to perpetuate their memory. All visitors shall respect the solemnity of the Village cemeteries.

(b) No person shall discharge firearms within any Village cemetery, except at military funerals, Memorial Day exercises, or other occasions approved by the Director of Public Service. In no case shall live ammunition be utilized. No hunting of any kind is permitted within the limits of any Village cemetery.

(c) All persons are prohibited from cutting or removing any plants or flowers, whether wild or cultivated, in any Village cemetery and are further prohibited from cutting, trimming or injuring any tree or shrub or marring any monument or landmark or in any way defacing the cemetery grounds.

(d) No person shall deposit any debris or waste material of any kind at any place within the Village cemeteries except in receptacles provided by the Village. Cremated remains will not be permitted to be scattered above or on ground of either cemetery.

(e) The placing of any advertisement of any nature anywhere within a Village cemetery is prohibited.

(f) The use of bicycles in all Village cemeteries is limited to paved areas only.

(g) Dogs are permitted within a Village cemetery only if each such dog is leashed and under the control of the owner or person holding the leash. The owner of the dog shall be responsible for cleaning up after his or her dog. Any person found violating this subsection is guilty of a minor misdemeanor punishable in accordance with the Section 945.99(b).

(h) Only vehicles of those people who are visiting or working in the municipal cemeteries are permitted. All vehicles shall be parked so that all tires of such vehicles shall be located on the hard surface of the cemetery roadway. The speed of all vehicles within all Village cemeteries shall not exceed ten (10) miles per hour.

(i) No person shall enter upon any Village cemetery grounds from sundown to sunup except upon written permission of the Director of Public Service. Any person found within any Village cemetery grounds during such hours without written permission of the Director of Public Service shall be prosecuted in accordance with Section 945.99(a).

(j) The Director of Public Service in their sole discretion, may decorate any veteran graves with a single United States of America flag on Memorial Day through the week following Veterans Day week. Other organizations or individuals shall only adorn graves with expressed written permission of the Director of Public Service.
(Ord. 37-2024. Passed 6-4-24.)

945.09 DEPARTMENT OF PUBLIC SERVICE INFORMATION.

(a) The grade of all cemetery grounds shall be established by the Village. The Director of Public Service shall, as nearly as practicable, bring the surface of all cemetery lots, graves or burial spaces to the existing established grades.

(b) No interment may be made unless the body or remains is accompanied by a burial permit.

(c) The location of burial spaces upon a cemetery lot shall be designated by the Director of Public Service.

(d) Monuments, monumental urns, headstones and flush markers shall be set with reasonable uniformity of and as to line, grade and setting. To maintain such uniformity the Director of Public Service is authorized to enter upon any cemetery lot, grave, or burial space to reset any such structure at the expense of the Village.

(e) No monument, headstone or flush marker shall be placed nearer than three (3) inches to each grave lot line except when side by side, if contiguous ownership graves exist the stone will be centered over them.

(f) Only one (1) monument, headstone or flush marker, and one pillow stone may be placed upon any one (1) grave. No monument, headstone or marker shall exceed seventy-two (72) inches in height and shall be four (4) to twelve (12) inches (from front to back). In the case of a military headstone the same guidelines will be followed as for all other headstones. If a headstone exists then a military foot stone may be added to the grave in lieu of a pillow stone. The location, size and inscription of any headstone or marker shall first be approved by the Director of Public Service.

(g) Raised or flush headstones or markers shall conform to the requirements of subsections (e - f) of this section.
(Ord. 37-2024. Passed 6-4-24.)

945.99 PENALTY.

(a) Whoever violates Section 945.08(i) of this Chapter shall be guilty of a misdemeanor of the first degree.

(b) Whoever violates any other provision of this Chapter shall be deemed guilty of a minor misdemeanor.

(c) Whoever commits any other crime or other type of offense within the boundaries of any Village cemetery not specifically mentioned in this Chapter shall be punished as may be provided in that applicable law.
(Ord. 37-2024. Passed 6-4-24.)

NOTE: The next printed page is Page 41.

(i) **Changeable Copy Sign** shall mean a portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified manually or by electronic or mechanical devices from time to time as situations change, such as bulletin board or announcement board.

(j) **Channel Letter** shall mean a fabricated or formed three-dimensional letter that may accommodate light source.

(k) **Electronic Message Center** shall mean a variable message sign that utilizes computer-generated messages or some other electronic means of changing copy.

(l) **Entrance or Exit Sign** shall mean a sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.

(m) **Exterior Illuminated Sign** shall mean a sign that is illuminated by a light source that is directed towards and shines on the face of a sign; also called direct illumination.

(n) **Flag Sign** shall mean a piece of flexible material having a distinctive size, color, and design, used as a symbol, standard, signal, or emblem.

(o) **Ground or Monument Sign** shall mean a sign supported from the ground and not attached to any building.

(p) **Halo Lighted** see definition of backlighted letter (d).

(q) **Illuminated Sign** shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(r) **Instructional Sign** shall mean a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

(s) **Internally Illuminated Sign** is sign illuminated internally through its sign face by a light source contained inside the sign.

(t) **Marquee Sign** shall mean a sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a street, sidewalk, or part thereof.

(u) **Mobile Sign** shall mean a sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, parked trailers, parked vehicles, or other mobile devices, including tethered and/or anchored balloons.

(v) **Non-Commercial Message Sign** shall mean a sign which: (i) does not advertise a product, good, business, or services; (ii) expresses one or more multiple messages on one or more issues; (iii) promotes any candidate, party, issue, levy, referendum, or other matter eligible to be voted upon in any general, primary or special election.

(w) **Pan Channel Letter** shall mean a dimensional letter that is constructed with sidewalls, a back, and a face making the letter a solid integral unity with the sidewalls and back having a pan shaped cross section.

(x) **Permanent Sign** shall mean a sign that is not temporary.

(y) **Projecting Sign** shall mean a sign that is attached to a building wall and extending 12 inches or more perpendicular to the face of the wall.

(z) **Reverse Channel Letter** is a fabricated dimensional letter with opaque face and sidewalls. (See definition (d) backlighted letter)

(aa) **Roof Sign** shall mean a sign erected, constructed or maintained wholly upon or over the roof or parapet wall of any building with the principal support on the roof structure.

(bb) **Sign Face** shall mean the area or display surface used for the message.

(cc) **Sign Plate** shall mean a wall sign not exceeding two square feet in area.

(dd) **Temporary Sign** shall mean a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, a structure or permanently installed in the ground.

(ee) **Wall Sign** shall mean a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall and not extending more than 12 inches from and which does not project above the roofline or beyond the corner of the building.

(ff) **Window Sign** shall mean a sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building except for signs that are not legible from a distance of more than three feet beyond the building in which such sign is located.

(Ord. 25-2011. Passed 9-20-11; Ord. 16-2024. Passed 3-19-24.)

1163.05 APPLICATION OF SIGN REGULATIONS.

(a) The regulations contained in this Section shall apply to signs outside of the public right-of-way.

(b) A sign may only be erected, established, painted, created or maintained in conformance with the standards, procedures, exemptions, and other requirements of this Chapter.

(b) Supplementary Regulations for Ground Signs.

- (1) Ground signs that exceed four square feet in area shall be erected with a minimum of two supporting posts or on a solid base.
- (2) Ground signs shall be erected in a landscaped setting.
- (3) No part of a ground sign, the wall or entry feature on which a sign is mounted, or the landscaping shall obstruct the view of vehicles entering or exiting the property.
- (4) For residential subdivisions, the ground sign shall have a maximum of two sign faces per entrance, and be either a double-faced ground sign or two single-sided sign faces attached to walls or entry features located one on each side of the street entrance.
- (5) For non-residential uses a maximum of 75% of the permitted ground sign area may be devoted to changeable copy.
- (6) Ground signs shall contain the street address in numerals not exceeding seven inches in height.
- (7) The Commission may approve the location of a ground sign less than the required distance from a road right-of-way if it finds that the sign will not interfere with traffic site lines and that the required setback is unreasonable because of existing site conditions; provided, however, that no ground sign or part thereof shall be permitted in the road right-of-way.
(Ord. 53-2013. Passed 11-5-13.)

(c) Supplementary Regulations for Temporary Signs.

- (1) Temporary signs for residential uses and temporary window signs for non-residential uses may be erected for an unspecified time.
 - A. Temporary signs must be installed so they do not create a safety hazard.
 - B. Temporary signs must be made of durable materials and shall be well-maintained.
 - C. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.
- (2) Each property in a Residential District may display one temporary non-commercial message sign that does not exceed six square feet for an unspecified time.
- (3) In addition to the temporary sign allowed in subsection (2) above, each property in a Residential District may display one additional temporary sign not to exceed twelve (12) square feet for a maximum of sixty (60) days each calendar year (registered with the Planning and Zoning Department).
- (4) Temporary signs that are erected in order to announce or advertise a specific event shall be removed within seven (7) days after the close of such event.

(d) Illumination. Permanent signs may be illuminated as provided in Section 1163.21(a) of this Chapter.

(e) Signs Not Legible from the Right-of-Way or Adjoining Properties. Signs displaying non-commercial messages that are not legible from the right-of-way or adjoining properties, including messages intended for instructional purposes, shall be permitted on a lot in a residential district when the lot is devoted to a multi-family or non-residential use.
(Ord. 16-2024. Passed 3-19-24.)

1163.17 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

Signs in Commercial and Industrial Districts, except for residential uses, shall comply with the standards in the following sections.

- (a) Building Signs. The maximum number and area of permanent signs attached to buildings shall conform to the table below. Building signs include wall signs, window signs, awning or canopy signs and projecting signs.

Table 2 Building Signs

	Zoning District				
	CH-I, CH-II, C-1	C-2 C-3	PCD	OL OLI	I
a. Sign plate					
Maximum number per address	1	1	1	1	1
Maximum area (sf)	2	2	2	2	2
b. Building					
Maximum number per occupant	1	1	1	1	1
Maximum area permitted sq. ft./ ft. frontage	1	1	1	1	1
Maximum square foot area per occupant	50	50	70*	70	70
c. Projecting Sign					
Maximum number per building	1	n.a.	n.a.	n.a.	n.a.
Maximum area permitted (sf)	12	n.a.	n.a.	n.a.	n.a.

* For buildings with a frontage greater than 70 feet the Commission may permit an increase in sign area if it determines the increased sign area will be consistent with the design standards of the Planned Commerce District.

(b) Window Signs.

- (1) Ground floor occupants. A window sign shall not exceed 40% of the total glass area at the ground floor window and shall comply with Section 1163.25 Design Standards.
- (2) Upper floor occupants. For a multi-story building, each occupant above the ground floor shall be permitted one permanent sign to be placed in a window of the occupant's space, not to exceed six square feet or 25% of the area of the window in which the sign is placed, whichever is smaller. These signs shall be in addition to the maximum allowable area for building signs provided in Table 2.

(c) Secondary frontage or access. If a building or occupant has frontage on a second street or has access from a second public entrance such as a parking lot an additional sign area may be permitted on the secondary frontage not to exceed 40% of the sign area permitted for the primary frontage.

(d) **Projecting Signs.** Projecting signs shall be permitted only in the CH I, CH II and C-1 Districts.

- (1) Projecting signs shall be limited to occupants that have a minimum of 20 feet of occupant frontage. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of seven feet from the ground to the bottom of the sign, except when the projecting sign is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign. A projecting sign shall not be permitted to extend into the road right-of-way.

(e) **Ground Signs.** Permanent ground signs permitted in Commercial and Industrial Districts shall comply with the following regulations:

Table 3 Permanent Ground Signs

	Zoning District				
	CH-I, CH-II, C-1	C-2 C-3	PCD	OL OLI	I
Ground Signs					
Maximum number permitted per building	1	1	1	1	1
Maximum area (sf)	25	50	50	50	50
Maximum height (ft)	6	8	8	8	8
Maximum area of sign and supporting structure (sf) *	45	75	75	75	75
Setback from public road right of way (ft)**	15	25	25	25	25
Entrance / Exit Signs					
Maximum number permitted	2/drive	2/drive	2/drive	2/drive	2/drive
Maximum area per sign (sf)	2	4	4	4	4
Instructional Signs	As regulated in Section 1163.17(h)				

* May be modified by the Commission if the ground sign is an integral part of a retaining wall or landscaped area.

** May be modified as provided in 1163.17(e)(8).

- (1) **Additional Ground Signs:** An additional ground sign may be permitted on lots not less than four acres in Commercial and Industrial Districts for a building or development on a corner lot. The additional sign shall not exceed the area as provided in Table 3.

- (2) Setback from Intersections: On a corner lot, ground signs shall comply with the minimum setback provided in Table 3.
- (3) Minimum Side Yard: Ground signs shall be located not less than 15 feet from a side lot line provided, however, when adjacent to any Residential District or a lot used for residential purposes, a ground sign shall be not less than 30 feet from the side lot line.
- (4) Changeable Copy: Ground signs may have up to 75 % of the permanent sign area devoted to changeable copy.
- (5) Multi-Occupant Facilities: When a ground sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.
- (6) Permanent ground signs shall contain the street address in numerals.
- (7) Ground signs shall be erected in a landscaped setting.
- (8) The Commission may approve the location of a ground sign less than the required distance from a road right-of-way if it finds the sign will not interfere with traffic site lines and that the required setback is unreasonable because of existing site condition; provided, however, no ground sign or part thereof shall be permitted in the road right-of-way.
(Ord. 25-2011. Passed 9-20-11.)

(f) Temporary Signs. Temporary signs in Commercial and Industrial Districts may be permitted in addition to the permanent signs as regulated in Sections 1163.17(a) through (e) provided:

- (1) Temporary signs may be ground signs, window signs, A-frame signs, or banner signs.
 - A. A-frame ground signs are permitted to have changeable copy and shall be located within twenty (20) feet of the front door of the premises which the sign advertises but may not be located in any dedicated off-street parking lot.
- (2) The area of a temporary window sign shall not exceed twenty-five percent (25%) of the total transparent glass area of the window in which the sign is placed.
- (3) Temporary ground and temporary banner signs are permitted in commercial and industrial districts provided:
 - A. Each property in a Commercial and Industrial District may display one temporary Non-Commercial Message sign that does not exceed six (6) square feet for an unspecified time;
 - B. In addition to the temporary sign allowed in subsection A. above, each property in a Commercial and Industrial District may display one additional temporary sign not to exceed twelve (12) square feet for a maximum of sixty (60) days each calendar year.
 - C. Each sign listed above shall have a maximum height of six (6) feet above grade; and
 - D. Each sign listed above shall not be less than fifteen (15) feet from a right-of-way except the Commission may permit signs less than fifteen (15) feet from a road right-of-way in CH-I and CH-II districts.
- (4) Temporary signs that are created in order to announce a specific event shall be removed within seven (7) days after the close of such event.

- (5) Signs not legible from the right-of-way or adjoining properties. Signs display non-commercial messages that are not legible from the right-of-way or adjoining properties, including messages intended for instructional purposes, shall be permitted on a lot in a non-residential district.

(g) Illumination. Permanent signs may be illuminated as provided in Section 1163.21(a).

(h) Instructional Signs. Instructional signs that are clearly intended for instructional purposes shall be permitted as needed and as approved by the Commission. Instructional signs shall not exceed four (4) square feet.

(i) Signs for Residential Uses. Signs for uses permitted or conditionally permitted in residential districts shall conform to the sign regulations provided in Section 1163.15. (Ord. 25-2011. Passed 9-20-11; Ord. 16-2024. Passed 3-19-24.)

1163.19 PROHIBITED SIGNS.

All signs not expressly permitted shall be prohibited in the Village. Such signs include but are not limited to the following:

- (a) Roof signs.
- (b) Billboards.
- (c) Flags intended for advertising or commercial purposes.
- (d) Marquee signs.
- (e) Electronic reader boards.
- (f) No mobile signs shall be erected, constructed, displayed or maintained except those on licensed commercial delivery and service vehicles. Such vehicles shall not be parked in any district closer to the street than the front line of the principal building, unless the principal building has a rear parking area; in which case, all such vehicles shall not be parked closer to the street than the rear line of said building.
- (g) Temporary directional signs.
- (h) Flashing, moving, inflatable, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.
- (i) The interior illumination of signs, except as expressly permitted in Section 1163.21(a) and signs with characters, letters, figures, designs or outlines by electric lights or luminous tubes as part of the sign.
- (j) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification, or advertising purposes.
- (k) Permanent sign erected or attached to accessory structures.
- (l) Outline lighting of the building or roofline.
- (m) Internal illumination of all or part of the roof.
(Ord. 25-2011. Passed 9-20-11.)

1163.21 ILLUMINATION, CONSTRUCTION, AND MAINTENANCE STANDARDS.

In addition to the design, size, type and location of signs, all signs shall meet the following standards:

- (a) Illumination (See pictorial examples in Appendix). Signs shall be permitted to be illuminated as provided in the following:
- (1) External Illumination: All signs that are permitted to be illuminated shall be externally illuminated, except as otherwise permitted in subsection (2) below. External illumination shall comply with the following.
 - A. Only direct lighting from an external source shall be used to illuminate the sign.
 - B. The source of light shall not be visible from the street or adjacent property.
 - (2) Internal illumination:
 - A. Internal illumination of signs may be permitted by the Planning and Zoning Commission for uses in all Commercial and Industrial Districts provided that only reverse pan channel, or halo-lighted letters, characters or graphics are permitted.
 - B. Internally illuminated cabinets may be permitted by the Commission provided such cabinets shall consist of a solid opaque background with "knock-out" areas for copy, graphics and embellishments.
 - (3) Signs shall not include animated, flashing, moving or intermittent illumination in which any part of the message changes at a rate of more than once per day.
 - (4) No temporary sign shall be illuminated.
- (b) Location of Signs and Construction Standards.
- (1) No sign regulated by any of the provisions of this Section shall be erected in the right-of-way, or at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign signal or device as defined in the Manual of Uniform Traffic Control Devices; or which makes use of the words "STOP", "LOOK", "DANGER", or any other work phrase, symbol or character in such a manner as to interfere with, or confuse traffic.
 - (2) No sign shall be attached to a utility pole, tree, trash receptacle, bench, or any other structure not intended or approved as a sign support
 - (3) No sign shall be erected so as to obstruct any window, door, fire escape, balcony, platform stairway, ladder, vent or other means of egress or ingress of any building
 - (4) The construction, erection, safety and maintenance of signs shall comply with the Ohio Building Code.
 - (5) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
 - (6) Permanent signs shall be constructed and erected to withstand wind pressures of at least 30 pounds per square foot of surface, and shall be fastened, suspended or supported so that they will not be a menace to persons or property.
 - (7) Permanent signs shall be fabricated of materials that are of good quality and good durability.
 - (8) Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
 - (9) No temporary sign shall have moveable lettering or lettering capable of being moved or replaced.

CHAPTER 1177
Off-street Parking and Loading Requirements

<p>1177.01 Off-street parking. 1177.03 General regulations. 1177.05 Minimum number of off-street parking spaces required.</p>	<p>1177.07 Parking requirements for uses not specified. 1177.09 Minimum loading and unloading spaces required.</p>
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1177.01 OFF-STREET PARKING.

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be in accordance with this Chapter. (Ord. 25-2011. Passed 9-20-11.)

1177.03 GENERAL REGULATIONS.

(a) Floor Area. For the purposes of this chapter, "floor area" means usable floor area as set forth in Section 1103.03.

(b) Parking Space. Off street accessory parking areas shall provide parking spaces, each of which shall not be less than nine feet wide and not less than twenty feet long, exclusive of all driveways, aisles, ramps and turning spaces. An off-street parking space for the physically handicapped shall adhere to Federal standards and shall be exclusive of all driveways, aisles, ramps and turning spaces.

(c) Parking Area Design. Parking areas shall be of usable shape, improved with bituminous concrete or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources, such as the stringing of light bulbs, shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises, to contain the cars on sloping surfaces and to prevent bumper overhang. All spaces shall be provided with adequate access by means of maneuvering lanes.

(d) Driveways.

- (1) Non-residential driveways shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections. Generally, there shall be not more than two driveways (whether residential or non-residential) on to one street from each parcel of property. Minimum and maximum driveway widths shall be as follows:

Number of Lanes In Non-Residential Driveways	Minimum Width of Driveway (ft.)	Maximum Width of Driveway (ft.)*
One (A)	10	12
Two	20	24
Three	30	36
Four	40(B)	48(B)

*Based on demonstrated engineering data, the maximum width for non-residential driveways can be increased by the Village Engineer without approval of the Planning Commission.

- A. Permitted where there are 10 or less parking spaces served provided there shall be two lanes having a minimum width of not less than twenty feet from the pavement of the road for a distance of not less than 20 feet.
 - B. Plus a minimum six-foot island or traffic divider.
(Ord. 16-2024. Passed 3-19-24.)
- (2) Residential driveways cannot exceed 16 feet in width. For residential driveways servicing a three- or more car garage, the width shall remain no more than 16 feet at the road right-of-way and is permitted to taper wider past the right-of-way line.
- (3) Curb cuts for parking area driveways shall have a radius of not less than ten feet nor more than 60 feet.
(Ord. 13-2019. Passed 7-2-19.)