

ORDINANCE NO. 02021-004

AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 2021 EDITION OF THE MODEL OHIO MUNICIPAL CODE – GENERAL OFFENSES CODE, AS REVISED THROUGH SEPTEMBER 14, 2020, PUBLISHED BY AMERICAN LEGAL PUBLISHING FOR THE VILLAGE OF WISINGSUN, OHIO; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has prepared and published a Model Ohio Municipal Code – General Offenses Code, as revised through September 14, 2020, which components are based upon and consistent with State law through September 14, 2020; and

WHEREAS, the Village is in need of a codification of such legislation, with which to administer the affairs of the Village, ensure law and order and avoid practical and legal entanglements; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution requires that Village law be in conformity with State law in those areas specified therein;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF WISINGSUN, OHIO:

SECTION 1. The 2021 Edition of the Model Ohio Municipal Code – General Offenses Code, as published by American Legal Publishing Corporation, is hereby approved, adopted and enacted by and for the Village.

SECTION 2. One book-form copy of the 2021 Edition of this Model Ohio Municipal Code – General Offenses Code shall be attached to this ordinance as a part hereof and filed with the permanent ordinance records of the Village.

SECTION 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the 2021 Edition of the Model Ohio Municipal Code – General Offenses Code, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:

- A. The enactment of the 2021 Edition of the Model Ohio Municipal Code – General Offenses Code shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- B. The repeal provided above shall not affect:
 - (1) The grant or creation of a franchise, license, right, easement or privilege;
 - (2) The purchase, sale, lease or transfer of property;
 - (3) The appropriation or expenditure of money or promise or guarantee of payment;
 - (4) The assumption of any contract or obligation;
 - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
 - (6) The levy or imposition of taxes, assessments or charges;
 - (7) The establishment, naming, vacating or grade level of any street or public way;
 - (8) The dedication of property or plat approval;
 - (9) The annexation or detachment of territory;
 - (10) Any legislation enacted subsequent to the adoption of this ordinance.


SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matters covered by it, which summary is attached hereto and marked "Exhibit A."

SECTION 5. Whenever reference is made in any documents, publications, or signs of the municipality, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Model Ohio Municipal Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

SECTION 6. This ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety, such emergency existing by reason of the necessity of providing a Municipal Code that is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, including the 2021 Edition of the Model Ohio Municipal Code – General Offenses Code adopted hereby, shall take effect and be in force immediately upon its passage by at least two-thirds of all members elected to Council, otherwise from and after the earliest period allowed by law.

Date Passed: 2-23-21

Attest:



Mayor



Clerk of Council

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2021 EDITION OF THE MODEL OHIO MUNICIPAL CODE – GENERAL OFFENSES CODE

PART SIX - GENERAL OFFENSES CODE

Chap. 606. General Provisions

- 606.01 Definitions
- 606.02 Classification of offenses
- 606.03 Offenses defined
- 606.04 Rules of construction
- 606.05 Criminal law jurisdiction
- 606.06 Limitation on criminal prosecutions
- 606.07 Requirements for criminal liability; voluntary intoxication
- 606.08 Culpable mental states
- 606.09 Organizational criminal liability
- 606.10 Personal accountability for organizational conduct
- 606.11 Attempts
- 606.12 Complicity
- 606.13 Self defense; limitations on duty to retreat prior to using force

Chap. 612. Alcoholic Beverages

- 612.01 Definitions
- 612.02 Sales to underage persons; prohibitions and misrepresentations
- 612.03 Sales to intoxicated persons
- 612.04 Consumption in motor vehicle
- 612.05 Permit required
- 612.06 Posting age and firearm warning signs
- 612.07 Open container prohibited
- 612.08 Hours of sale or consumption
- 612.09 Conveying intoxicating liquor or cash onto grounds of detention facilities or other specified governmental facilities
- 612.10 Sales of low-alcohol beverages to underage persons; prohibitions and misrepresentations
- 612.11 Alcohol vaporizing devices prohibited

Chap. 618. Animals

- 618.01 Dogs and other animals running at large; nuisance, dangerous and vicious dogs; hearings
- 618.02 Abandoning animals
- 618.03 Killing or injuring animals
- 618.04 Poisoning animals
- 618.05 Cruelty to animals; cruelty to companion animals
- 618.06 Coloring rabbits and baby poultry; sale or display of poultry
- 618.07 Barking or howling dogs
- 618.08 Registration of dogs required
- 618.09 Hindering capture of unregistered dog
- 618.10 Dogs required to wear tags
- 618.11 Unlawful tags

Chap. 618. Animals (Cont.)

- 618.12 Rabies quarantine
- 618.13 Hunting prohibited
- 618.14 Nuisance conditions prohibited
- 618.15 Impounding and disposition; records
- 618.16 Restrictions on dog ownership for certain convicted felons
- 618.17 Sexual conduct with an animal

Chap. 624. Drugs

- 624.01 Definitions
- 624.02 Trafficking in controlled substances; gift of marihuana
- 624.03 Cultivation of marihuana
- 624.04 Drug possession offenses
- 624.05 Possession of drug abuse instruments
- 624.06 Permitting drug abuse
- 624.07 Use or possession of paraphernalia
- 624.08 Abusing harmful intoxicants
- 624.09 Improperly dispensing or distributing nitrous oxide
- 624.10 Possessing nitrous oxide in motor vehicles
- 624.11 Illegal dispensing of drug samples
- 624.12 Counterfeit controlled substances
- 624.13 Controlled substance or prescription labels
- 624.14 Possession, sale and disposal of hypodermics
- 624.15 Evidence
- 624.16 Double jeopardy
- 624.17 Controlled substance schedules
- 624.18 Pseudoephedrine sales
- 624.19 Sale of pure caffeine product

Chap. 630. Gambling

- 630.01 Definitions
- 630.02 Gambling in general
- 630.03 Operating a gambling house
- 630.04 Public gaming
- 630.05 Cheating
- 630.06 Responsibility of charitable organization conducting bingo game
- 630.07 Maintenance of records by charitable organizations
- 630.08 Qualifications of bingo game operator
- 630.09 Exemption for bingo games conducted for amusement
- 630.10 Prohibitions where instant bingo game is conducted
- 630.11 Raffle drawings
- 630.12 Instant bingo other than at bingo sessions
- 630.13 Restrictions on owner or lessor of location at instant bingo
- 630.14 Skill-based amusement machines; prohibited conduct

Chap. 636. Offenses Relating to Persons

- 636.01 Definitions
- 636.02 Negligent homicide
- 636.03 Assault

Chap. 636. Offenses Relating to Persons (Cont.)

- 636.04 Negligent assault
- 636.05 Aggravated menacing
- 636.06 Menacing by stalking
- 636.07 Menacing
- 636.08 Unlawful restraint
- 636.09 Unlawful collection of bodily substances
- 636.10 Coercion
- 636.11 Nonsupport of dependents
- 636.12 Endangering children
- 636.13 Interference with custody
- 636.14 Contributing to the unruliness or delinquency of a child
- 636.15 Threatening or harassing telecommunications
- 636.16 Placing harmful substance or objects in food or confection
- 636.17 Domestic violence
- 636.18 Safety of crowds attending live entertainment performances
- 636.19 Hazing
- 636.20 Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans
- 636.21 Ethnic intimidation
- 636.22 Intimidation in connection with housing
- 636.23 Failing to provide for a functionally impaired person
- 636.24 Failure to perform viability testing

Chap. 642. Offenses Relating to Property

- 642.01 Definitions
- 642.02 Possession of municipal property
- 642.03 Unauthorized use of property
- 642.04 Injuring vines, bushes, trees or crops
- 642.05 Desecration
- 642.06 Arson
- 642.07 Determining property value in arson
- 642.08 Criminal damaging or endangering; vehicular vandalism
- 642.09 Criminal mischief
- 642.10 Criminal trespass
- 642.11 Aggravated trespass
- 642.12 Assaulting police dog or horse, or assistance dog
- 642.13 Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism

Chap. 648. Peace Disturbances

- 648.01 Riot
- 648.02 Failure to disperse
- 648.03 Justifiable use of force to suppress riot
- 648.04 Disorderly conduct
- 648.05 Disturbing a lawful meeting
- 648.06 Misconduct at an emergency
- 648.07 Inducing panic

Chap. 648. Peace Disturbances (Cont.)

- 648.08 Making false alarms
- 648.09 Inciting to violence

Chap. 654. Administration, Enforcement and Public Service

- 654.01 Falsification
- 654.02 False report of child abuse or neglect
- 654.03 Compounding a crime
- 654.04 Failure to report a crime or death
- 654.05 Failure to aid a law enforcement officer
- 654.06 Obstructing official business
- 654.07 Obstructing justice
- 654.08 Resisting arrest
- 654.09 Compliance with lawful order of police officer; fleeing
- 654.10 Having an unlawful interest in a public contract
- 654.11 Soliciting or receiving improper compensation
- 654.12 Dereliction of duty
- 654.13 Interfering with civil rights
- 654.14 Impersonating an officer
- 654.15 Display of law enforcement agency emblem
- 654.16 Disposition of unclaimed or forfeited property held by Police Department
- 654.17 Detention of shoplifters and those committing motion picture piracy; protection of institutional property
- 654.18 Failure to disclose personal information
- 654.19 Misuse of 9-1-1 system
- 654.20 Using sham legal process

Chap. 660. Safety, Sanitation and Health

- 660.01 Venting of heaters and burners
- 660.02 Spreading contagion
- 660.03 Littering
- 660.04 Noxious odors; filthy accumulations; polluting and diverting watercourses
- 660.05 Duty to keep sidewalks in repair and clean
- 660.06 Abandoned refrigerators and airtight containers
- 660.07 Storage of junk vehicles
- 660.08 Open burning
- 660.09 Barricades and warning lights
- 660.10 Sidewalk obstructions; damage or injury
- 660.11 Notice to fill lots, remove putrid substances
- 660.12 Fences
- 660.13 Smoking in places of public assembly

Chap. 666. Sex Related Offenses

- 666.01 Definitions
- 666.02 Unlawful sexual conduct with a minor
- 666.03 Sexual imposition
- 666.04 Public indecency
- 666.05 Voyeurism
- 666.06 Polygraph examinations for victims; restrictions on use

Chap. 666. Sex Related Offenses (Cont.)

- 666.07 Procuring
- 666.08 Soliciting
- 666.09 Loitering to engage in solicitation
- 666.10 Prostitution
- 666.11 Rules of evidence
- 666.12 Disseminating matter harmful to juveniles
- 666.13 Displaying matter harmful to juveniles
- 666.14 Deception to obtain matter harmful to juveniles
- 666.15 Presumptions; notice
- 666.16 Declaratory judgment
- 666.17 Injunction; abatement of nuisance
- 666.18 Unlawful operation of viewing booths depicting sexual conduct
- 666.19 Juveniles on the premises of adult entertainment establishments prohibited
- 666.20 Sexually oriented businesses; illegal operation and activity
- 666.21 Unlawful advertising of massage
- 666.22 Nonconsensual dissemination of private sexual images
- 666.99 Sentencing for sexually oriented offenses; sexual predators; registration

Chap. 672. Theft and Fraud

- 672.01 Theft
- 672.02 Receiving stolen property
- 672.03 Determining property value in theft offense
- 672.04 Degree of offense when certain property involved
- 672.05 Evidence of theft of rented property
- 672.06 Tampering with coin machines
- 672.07 Prosecutions for theft of utilities
- 672.08 Misconduct involving a public transportation system
- 672.09 Unauthorized use of a vehicle; vehicle trespass
- 672.10 Passing bad checks
- 672.11 Misuse of credit cards
- 672.12 Recording credit card, telephone or Social Security numbers
- 672.13 Forging or selling forged identification cards
- 672.14 Criminal simulation
- 672.15 Making or using slugs
- 672.16 Prima facie evidence of purpose to defraud
- 672.17 Tampering with records
- 672.18 Securing writings by deception
- 672.19 Personating an officer
- 672.20 Defrauding creditors
- 672.21 Insurance fraud
- 672.22 Workers' compensation fraud
- 672.23 Medicaid fraud
- 672.24 Diminishing or interfering with forfeitable property
- 672.25 Motion picture piracy

Chap. 678. Weapons and Explosives

- 678.01 Definitions
- 678.02 Carrying concealed weapons

Chap. 678. Weapons and Explosives (Cont.)

- 678.03 Possession of deadly weapon while under detention
- 678.04 Using weapons while intoxicated
- 678.05 Improperly handling firearms in a motor vehicle
- 678.06 License or permit to possess dangerous ordnance
- 678.07 Failure to secure dangerous ordnance
- 678.08 Unlawful transactions in weapons
- 678.09 Underage purchase of a firearm or handgun
- 678.10 Pointing and discharging firearms and other weapons
- 678.11 Discharge of a firearm on or near prohibited premises
- 678.12 Fireworks
- 678.13 Endangering aircraft and airport operations
- 678.14 Possessing criminal tools
- 678.15 Possession of an object indistinguishable from a firearm in a school safety zone
- 678.16 Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession
- 678.17 Defaced firearms

Chap. 698. Penalties and Sentencing

- 698.01 Definitions
- 698.02 Penalties for misdemeanor
- 698.03 Imposing sentence for misdemeanor
- 698.04 Organizational penalties
- 698.05 Multiple sentences
- 698.06 Suspension of driver's license