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| 1. Curfew   | 5. Noise                                       |
| 2. Permitting minors to play pool or billiards          | 6. Dangerous Animals                           |
| 3. Sale of Toxic Glue                                   | 7. Nuisances                                   |
| 4. Weeds and Accumulation of Litter in Private Property | 8. Swimming, Wading and Bathing in Gravel Pits |

#### *CROSS REFERENCES*

Burden and degree of proof - see Ohio R.C. 2901.05

Venue - see Ohio R.C. 2901.12, 2931.29 et seq.

Arrest without warrant for misdemeanor - see Ohio R.C. 2935.03

Procedure on affidavit or complaint; withdrawal of unexecuted warrants - see Ohio R.C. 2935.10

Right of trial by jury - see Ohio R.C. 2945.17

Time within which hearing or trial must be held - see Ohio R.C. 2945.71

Extension of time for hearing or trial - see Ohio R.C. 2945.72

Discharge for delay in trial - see Ohio R.C. 2945.73

Degree of offense; charge and verdict; prior conviction - see Ohio R.C. 2945.75

Satisfaction of fine; credit for time served - see Ohio R.C. 2947.14

Criteria for probation; conditions of probation - see Ohio R.C. 2951.02

Treatment of drug dependent persons in lieu of conviction - see Ohio R.C. 2951.041

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**§ 1 CURFEW.**

There is hereby established a curfew for children under the age of 18 years within the village limits which shall read as follows.

- (a) No minor under the age of 18 years shall loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, public buildings places of amusement and entertainment, or vacant lots, between the hours of 10.30 p.m. and 5:00 a.m. of the following day, official village time. The provisions of this section, however, do not apply to a minor accompanied by his or her parent, guardian, or other person having the care and custody of the minor, or when the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.
- (b) No parent, guardian, or other adult person having the care and custody of the minor under the age of 18 years shall knowingly permit such minor to loiter idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or public grounds, public places, and public buildings, places of amusement and entertainment, or vacant lots, between the hours of 10:30 p.m. and 5:00 a.m. of the following day, office village time. The provisions of this section, however, do not apply when the minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or if the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other person having the care and custody of the minor.
- (c) Whoever violates any of the provisions of this section shall be guilty of minor misdemeanor.

(Ord. 99-10, passed 9-7-1999)

**§ 2 PERMITTING MINORS TO PLAY POOL OR BILLIARDS.**

- (a) No owner or keeper of a billiard parlor or an owner or keeper of a billiard table at any



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other public place, shall permit a minor under the age of 18 years, to play billiards, or pool, or loiter in such parlor or public place. Provided a minor under 18 years of age, when accompanied by either parent or his or her legal guardian may be permitted to play both billiards and pool, or be in and remain in such public place.

- (b) Whoever violates division (a) of this section shall be fined twenty-five dollars (\$25.00) for the first offense, and fifty dollars (\$50.00) for each subsequent offense (Ord. 1600.04, passed 10-4-1976)

Statutory reference:

City authorized to regulate billiards and pool, see R.C. ' 715.51

### § 3 SALE OF TOXIC GLUE.

- (a) The terms TOXIC GLUE as used herein shall mean any compound, narcotic, drug, solution, mixture or chemical or liquid containing any toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichoroathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone or any other substance containing volatile solvents releasing vapors so as to cause a condition of excitement, intoxication, stupification, dizziness or changing or distorting the audio, visual or mental processes; except beverages containing alcohol or tobacco-containing substances shall not be considered TOXIC GLUE.
- (b) No person shall inhale, breathe, or otherwise introduce into his or her respiratory or circulatory system any toxic glue with the intention of becoming intoxicated, elated, paralyzed, irrational or in any manner changing, distorting or disturbing the eyesight, thinking process, judgment, balance or coordination. For the purpose of this section, any such condition so induced shall be deemed an intoxicated condition.
- (c) No person shall for the purpose of violating or aiding another violate any provision of this section intentionally possess, buy, sell, transfer possession or receive possession of toxic glue.



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- (d) No person shall sell or transfer possession of any toxic glue to another person under 21 years of age except that:
- (1) Upon written order of a parent or guardian;
  - (2) Only one tube of glue may be sold at any one time to that person under 21 years of age, provided that the tube is included in a kit for the assembly of a model airplane, automobile, boat or other unassembled model; or
  - (3) A kit not having glue packaged therein is sold in conjunction with the sale of one tube of glue.
- (e) The provisions of this section concerning toxic glue shall not apply for its use unless taken at the direction of or under prescription of any medical or dental treatment by a physician, surgeon, doctor, dentist or pediatricist.
- (f) Whoever violates the provisions of divisions (b), (c) or (d) shall be fined not more than one hundred dollars (\$100.00) for the first offense; a second or subsequent offense not more than five hundred dollars (\$500.00) or imprisonment of not more than 90 days or both.
- (Ord. 1500.05, passed 10-10-1974)

**§ 4 WEEDS AND ACCUMULATION OF LITTER IN PRIVATE PROPERTY.**

- (a) Weed growth restrictions on private property.
- (1) Cutting and removing of noxious weeds.
    - A. Any person owning or having the right to the possession of any lot or land within the village shall at all times keep the property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by him or her at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1.
    - B. Any person owning or having the right to possession of lots or land



within the village shall at all times keep any weeds or vegetation on such lot or land below 12 inches in height at all times even if this requires cutting such weeds or vegetation more than twice in every year.

C. Such cutting and removal as required by this division shall not be applicable to those lands zoned and being used as agricultural property.

(2) Definition of noxious weeds. Noxious weeds and rank vegetation shall include, but not be limited to:

- a) Any weeds such as poison ivy, poison oak, jimson weed, burdock, ragweed, thistle,
- b) Bushes of the species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties;
- c) Any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches; and
- d) Any weed or wild growth which, by reason of the pollen or seed it spreads/produces, or the density of its growth, or its unsightliness, injuriously affects the public health, safety, or welfare.

(3) Noxious weeds and public nuisances. All noxious weeds are declared to be public nuisances.

(4) Frequency of cutting of noxious weeds. All noxious weeds shall be cut and removed or destroyed by the owner or other person having the right to possession of any lot or land within the village on which the weeds or wild growths are growing, as often as necessary to prevent the development of pollen and/or seed, and at least 100 feet from all lot lines which abut upon any occupied premises or any public thoroughfare.

(b) Accumulation of litter on private property.



- (1) Removal of litter. Any person owning or having a right to possession of any lot or land within the village shall at all times keep the property free and clear from all litter, solid waste, or demolition materials and shall not permit such materials to be collected or remain upon such land which constitutes or may cause a detriment to the public health.
- (2) Definition of litter and solid waste.
  - A. As used in this section, LITTER or SOLID WASTE includes any unwanted solid or semi-solid materials which result from residential, industrial, commercial, agricultural, or community operations including, but not limited to, garbage, waste, peelings from fruits or vegetables, rubbish, ashes, cans, bottles, wire, oil, paper, cartons, boxes, parts of automobiles, tires, wagons, furniture, glass, combustible or non-combustible material, street dirt, debris, or anything else of an unsightly or unsanitary nature.
  - B. SOLID WASTE does not include demolition material or other substances that are not harmful or inimical to the public health.
- (3) Definition of demolition materials. As used in this section, DEMOLITION MATERIAL means material from construction or demolition operations, which are those items affixed to the structure being constructed or demolished such as brick, concrete, asphalt, stone, glass, wallboard, framing, finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation, but excludes materials whose removal has been required prior to demolition.
- (4) Periods of storage for solid waste or demolition materials. No person owning or having the right to the possession of any lot or land within the village shall cause or allow solid waste or demolition materials to collect or remain upon such land for a period longer than seven days.
- (5) Containers for solid waste.



- A. Except for materials too large for containers, all litter or solid waste shall be stored in watertight containers which are constructed of durable, rust resistant materials that are substantially impervious to animals, rodents, or insects.
  - B. Such containers shall have covers, lids, and/or doors which shall be tight fitting.
- (6) Bulk containers. Structures with multiple dwelling units, multiple structures, or other establishments producing litter or solid waste shall be supplied with containers as defined in division (b)(5) above which are sufficient in size to meet the needs of the tenant or occupant.
- (7) Solid waste and litter are public nuisances. All litter, solid waste, or demolition materials permitted to accumulate for a period in excess of seven days is hereby declared to be a public nuisance.
- (c) Notice to abate.
    - (1) Written notice required. In the event that the owner or the person having the right to possession of any lot or land within the village fails to cut or remove noxious weeds as required pursuant to division (a) above or permits litter, solid waste, or demolition materials to collect or remain upon such land for a period longer than seven days in violation of division (b) above, then the village solicitor, Mayor, public health department official, or police officer, shall cause written notice to be served on the owner or the person having the right to possession of such lot or land, notifying him or her of such violation and requiring that the noxious weeds be cut or removed or the litter, solid waste, or demolition materials removed within five days after service of such notice.



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- (2) Service of notice. For purposes of this section, notice may be served in any manner permitted under the Ohio Rules of Civil Procedure. If the address of the titled owner of the lot or land or the person having the right to possession of such property is unknown, it shall be sufficient to publish the notice of the violation once in the Circleville Herald or other newspaper of general circulation in this municipality.
- (3) Contents of notice. The notice required to be given as set forth in this section shall state the following information:
- A. A statement that the noxious weeds, litter, solid waste, or demolition materials are considered to be a public nuisance;
  - B. The description and location of the lot or land within the village where such noxious weeds, liter, solid waste, or demolition materials are situated;
  - C. A statement that the noxious weeds, vegetation, litter, solid waste, or demolition materials must be removed from the premises within five days after service of such notice and order of the same;
  - D. A statement of the penalties provided for noncompliance; and
  - E. A statement that in the event that the noxious weeds, vegetation, litter, solid waste, or demolition materials are not removed within five days, that the village will cause the same to be removed and that the property owner will be assessed the costs incurred by the village in



removing such noxious weeds, vegetation, litter, solid waste, or demolition materials.

- (d) Remedy upon failure to comply.
- (1) If the owner of the lot or land or the person upon whom notice is given pursuant to division (c) above fails to comply with this section within five days of receipt of the notice, then the Mayor, public health department official, or police officer is authorized to enter upon such lot or land and cause the litter, solid waste, or demolition materials to be collected and removed or the noxious weeds and vegetation constituting a nuisance or endangering the public health to be cut or destroyed, by the direct employment of labor or by authorizing another person to perform the services on behalf of the village.
  - (2) The fact that the noxious weeds, vegetation, litter, solid waste, or demolition materials are not removed from any lot or land within the village within five days after receipt of the notice as set forth in division (c) is prima-facia evidence of willful failure to comply with the notice and shall subject the owner or person upon whom notice was served to the penalties set forth in division (f).
- (e) Written return to county auditor; village costs entered as lien upon property.
- (1) In the event that it is necessary for the village to remove any noxious weeds, vegetation, litter, solid waste, or demolition material from a lot or land within the village as a result of the owner or the person having the possession of the property within the village failing to comply with division (c), then the Mayor, public health department official, or police officer shall report the costs of removal to the Village Council, including the costs of investigation, handling of the nuisance complaint, and the costs of service and notification, and thereafter, upon approval of Village Council, the Clerk of Council shall cause a written return to be made to the county auditor with a statement of such costs



together with a description of the premises concerned.

- (2) This written return shall be in the form as prescribed under the provisions of the Ohio Revised Code and the amounts, when allowed, shall be entered upon the tax duplicate so as to constitute a lien upon such lands from and after the date of entry, to be collected as other taxes and returned to the municipality with the general fund upon collection.
- (3) Such remedy shall be in addition to the penalty provided in division (f).
- (f) Penalty. Whoever violates any provision of divisions (a) or (b) shall be guilty of a minor misdemeanor on the first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree.

(Ord. 98-3, passed 6-8-1998)

## § 5 NOISE.

- (a) Regulating noise levels.
  - (1) Definitions. For the purposes of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMERCIAL AREA.** Any office building, local retail, and business districts as set forth in the Village Zoning Code.

**CONSTRUCTION.** Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or on public or private right-of-way, structures, utilities, or similar property.

**DEMOLITION.** Any dismantling or intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**EMERGENCY.** Any occurrence or set of circumstances involving



actual or imminent physical trauma or property damage or loss which demands immediate action.

**EMERGENCY WORK.** Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**LIGHT MOTOR VEHICLE.** Any automobile, van, motorcycle, motor driven vehicle, motor scooter, dune buggy, snowmobile, all-terrain vehicles, go-carts, mini-bikes or trucks with gross vehicular weight of less than 8,000 pounds.

**MODIFIED EXHAUST SYSTEM.** An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise or the original noise abatement devices have either been removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or devices have been added to the original noise abatement devices, such that noise levels are increased.

**MOTOR VEHICLE.** Every vehicle defined as a motor vehicle in the Ohio Revised Code.

**MOTORCYCLE.** Every vehicle defined as a motorcycle in the Ohio Revised Code.

**MOTORIZED BIKE.** Every vehicle defined as a motorized bike in the Ohio Revised Code.

**NOISE.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**NOISE DISTURBANCE.** Any sound which endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable



person of normal sensitivity; or endangers or injures personal or real property.

**PERSON.** Any individual, association, partnership or corporation and includes any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.

**PLACE OF PUBLIC ENTERTAINMENT.** Any commercial facility open to the general public for purposes of entertainment.

**POWERED MODEL VEHICLE.** Any self-propelled airborne, waterborne, or land borne plane, vessel or vehicle which is not designed, to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

**PUBLIC RIGHT-OF-WAY.** Any street, avenue, boulevard, highway, sidewalk or alley.

**REAL PROPERTY BOUNDARY.** An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person.

**RESIDENTIAL AREA.** Single-family, two-family and multi-family zoning district classifications.

**SOUND.** An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and refraction of that medium. The description of **SOUND** may include any characteristic of such sound, including duration, intensity and frequency.

- (2) Noise disturbances prohibited. In addition to the specific prohibitions outlined in this division, no person shall unreasonably make, continue or cause to be made, continued or permitted, any noise disturbance. This division shall not apply to non-commercial public speaking and public assembly activities



conducted on any public space or public right-of-way.

(3) Specific prohibitions. The following acts and the causing or permitting thereof, are declared to be in violation of this division.

A. Construction.

1. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday, or between the hours of 7:00 p.m. and 7:00 a.m. on Sundays or nationally recognized holidays so that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance.

2. This division shall not apply to the use of domestic power tools subject to division (3)B. below.

B. Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower, or other similar device used outdoors, other than powered snow removal equipment, outdoors between the hours of 9:00 p.m. and 7:00 a.m. or on Sundays or nationally recognized holidays between the hours of 9:00 p.m. and 9:00 a.m.

C. Explosives, firearms and similar devices. The using or firing of explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a residential real property boundary or on a public space or right-of-way, without first obtaining a special variance.

D. Loading and unloading materials. Loading, unloading, opening, closing



or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 9:00 p.m. and 7:00 a.m., or on Sundays or nationally recognized holidays before the hour of 9:00 a.m. in such a manner as to cause a noise disturbance across residential real property boundary.

- E. Loudspeakers/public address system.
    - 1. Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public space for commercial purpose.
    - 2. Using, operating or permitting for any non-commercial purpose any loudspeaker, public address system, mobile sound vehicle or similar device between the hours of 9:00 p.m. and 7:00 a.m., or on Sunday before the hour of 9:00 a.m., such that the sound therefrom creates a noise disturbance across a residential real property boundary.
  - F. Powered model vehicles. Operating or permitting the operation of a powered model vehicle or vehicles so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 9:00 p.m. and 7:00 a.m.
  - G. Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, motorized bicycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.
- (4) Light motor vehicles.
- A. No person shall operate a motor vehicle which causes excessive noise level, as a result of a defective or modified exhaust system, as a result



of an unnecessary rapid acceleration, deceleration, engine revving, tire squealing, or as the result of the operation of audible devices such as, but not limited to, radios, phonographs and tape players.

- B. For purposes of this division, noise shall be measured at a distance of at least 50 feet from the closest approach of the vehicle at any suitable site.
- (5) Special variances.
- A. The Mayor or his or her designated representative shall have the authority, consistent with this division, to grant special variances.
  - B. Any person seeking a special variance pursuant to this division shall file an application with the Mayor or his or her representative. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on the other persons. Notice of an application for a special variance shall be given by the Mayor or his or her representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement which the Mayor or his or her representative containing any information to support his or her claim.
  - C. Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variances shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special variance shall terminate it and subject the person holding it to



those provisions of this chapter regulating the source of sound or activity for which the special variance was granted.

- D. Application for extension of time limits specified in special variances or for modification of any other substantial conditions shall be treated like applications for initial special variances.
  - E. The Mayor or his or her designated representative may issue guidelines approved by Council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.
  - F. Enforcement of this division shall be stayed as to any person filing an application for a special variance pursuant to this division, until such time as the application is acted upon by the Mayor or his or her designated representative.
- (6) Notice of violation. Violation of any provision of this division shall be cause for a notice of violation to be issued by the village law enforcement officer or health department official.
  - (7) Other remedies. No provision of this division shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this division or from other law.
  - (8) Exceptions. The provisions of this chapter shall not apply to the following:
    - A. The emission of sound for the purpose of alerting persons to the existence of any emergency, or for the performance of emergency work; or
    - B. Organized school related programs, activities or parades or other public programs, activities or events authorized by the Mayor or his



or her designated representative, or by Village Council.

(9) Applicability. Nothing in this division shall be construed to permit conduct prohibited by any other, statute, ordinance or regulation or to prohibit the enforcement thereof.

(10) Penalty.

- A. Whoever violates any provision of this division is guilty of a minor misdemeanor.
- B. If the offender has previously been convicted of violating any provision of this division, then the offender shall be guilty of a misdemeanor of the fourth degree.
- C. When the offense is continuous or repetitious in nature, then each day that the violation continues or is repeated shall be deemed a repetition of the offense and shall be punished as a separate distinct offense.

(b) Anti-noise pollution.

- (1) Notwithstanding any other provisions of law and in addition thereto, no person shall willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- (2) The standard which may be considered in determining whether a violation of the provisions of this division exists may include, but not be limited to the following:
  - A. The level of the noise;
  - B. Whether the nature of the noise is usual or unusual;
  - C. Whether the origin of the noise is natural or unnatural;
  - D. The level and intensity of the background noise;



- E. The proximity of the noise to residential sleeping facilities;
- F. The nature and zoning of the area within which the noise emanates;
- G. The density of the inhabitation of the area within which the noise emanates;
- H. The time of the day and night the noise occurs;
- I. The duration of the noise;
- J. Whether the noise is recurrent, intermittent, or constant; and
- K. Whether the noise is produced by a commercial or noncommercial activity.

- (3) Whoever violates division (b)(1) of this section shall be fined not less than twenty-five dollars (\$25.00) and no more than five hundred dollars (\$500.00).

(Ord. 1700.17, passed 4-6-1987; Am. Ord. 01-12, passed 10-1-2001; Am. Ord. 4-18, passed 9-7-2004; Am. Ord. 2008-10, passed 7-7-2008)

## § 6 DANGEROUS ANIMALS.

### (a) Prohibited or dangerous animals.

- (1) Prohibition. It shall be unlawful for any person, officer, agent or employee of an organization or business, to keep, maintain or have in his or her possession or under his or her control within the village corporate limits any living animal as defined by this division or any living dangerous animal designated by this division.
- (2) Definitions. For the purposes of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DANGEROUS ANIMAL.** Any living wild mammal, reptile, fowl or other vertebrate and invertebrate species which is not naturally tame or gentle, but is of a wild nature or disposition, and which because its characteristics may constitute a danger to human life, or property if it escaped from secure



quarters. DANGEROUS ANIMAL also includes any living domestic reptile, fowl, mammal or other vertebrate or invertebrate species which because of its size or vicious propensity or other characteristics would constitute a danger to human life or property if it escaped from secure quarters.

**DOMESTIC ANIMALS.** Animals that are indigenous to the North American continent which are not normally tamed.

**DOMESTICATED.** Animals which are normally tame for the purpose of household pets.

**PROHIBITED ANIMALS.** Except as provided in this division, it shall be unlawful for any person to keep, maintain, in his or her possession or under his or her control within the village any of the following animals:

1. Any animal which has been declared to be protected or endangered by the U.S. Department of the Interior, the U.S. Department of Agriculture, the Ohio Revised Code, the Ohio Administrative Code or Commercial Point resolutions and ordinances;
2. All poisonous animals, including rear fang snakes;
3. Badgers;
4. Bears;
5. Beavers;
6. Canids, that is, wolves, foxes, coyotes, jackals, dingos;
7. Civet, that is, any of various catlike animals related to the mongoose, native to the warmer regions of Africa, Europe, and Asia, having a narrow head, a pointed muzzle, and a slender body;
8. Constrictor snakes;
9. Crocodilians, that is, alligators, crocodiles, caimans, cavils;
10. Eagles, hawks, owls;
11. Edenata, that is, anteaters, tamandvas, sloths, armadillos;



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12. Emus;
  13. Felids, that is, lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots;
  14. Game cocks and other fighting birds;
  
  15. Hyenas;
  16. Marsupials, that is, opossums, tasmannian wolf, kangaroos, koalas, wombats;
  17. Muskrats;
  18. Ostriches;
  19. Porcupines;
  20. Primates (non-human), that is, apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs;
  21. Procyonids, that is, raccoons, coatis, kinkajous, ring tailed cats, pandas;
  22. Rats;
  23. Rheas;
  24. Skunks;
  25. Squirrels;
  26. Swine;
  27. Ungulates;
  28. Water buffalo;
  29. Wart hogs;
  30. Weasels;
  31. Wolverines;
  32. Woodchucks;
  33. Bats; and



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34. Exotic and domestic venomous spiders.
- (3) Hybrid animals. No person shall raise, breed any of the aforementioned animals with normally tame domestic animals for the purpose of sale or possession. Any animal with any part of the animals listed above shall be considered a dangerous animal.
- (4) Violations.
- A. Whoever violates any provisions of this division (a) is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) plus costs.
- B. Each day the violation continues shall be treated as a separate offense.
- C. If a person has been previously convicted of a violation of this division, the subsequent violation shall constitute a misdemeanor of the first degree with all maximum fines and penalties.
- (5) Current animals in village limits.
- A. 1. No owner, keeper or harbinger of a dangerous animal shall fail to secure personal injury and property damage liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the dangerous animal.
2. A certificate of insurance shall be filed with the village by any owner, keeper or harbinger of a dangerous animal.
3. It shall contain a provision or commitment from the insurer that the village will be notified by the insurer if coverage is cancelled.
- B. Secured quarters or caged pen shall be constructed so as to assure that the animal will not escape nor will unauthorized persons be able to enter. A



cage, pen or other housing containing such animal shall be enclosed on all sides and the top with a gate locked with a padlock or other locking device requiring a key to open. The bottom of the cage or pen shall be constructed of concrete, blacktop or other material sufficient to prevent the animal from digging itself out of the enclosure. Transportation of animal shall be by secured cage to and from its secured quarters.

- (6) Commercial exhibitors. Commercial exhibitors who have complied with the rules and licensing requirements established by the U.S. Department of Agriculture, C.F.R., pt. 9, are exempt from this division.

(b) Owning or harboring of pit bull terriers or other vicious dogs.

(1) No person shall own, keep, or harbor a pit bull terrier, as defined herein, or any other type of vicious dog within the municipal limits of the Village of Commercial Point.

- (2) **PIT BULL TERRIER** as used herein, is hereby defined as any Staffordshire bull terrier or American Staffordshire terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier or American Staffordshire terrier as to be identifiable as partially of the breed of Staffordshire bull terrier or American Staffordshire terrier by a qualified veterinarian duly licensed as such by the State of Ohio.
- (3) A **VICIOUS DOG**, as the term is used in this division means:
- A. Any dog with a propensity, tendency, or disposition, to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or
- B. Any dog which attacks a human being or another domestic animal one or more times without precaution.
- (4) This division is a necessary control to eliminate the risk of attack by pit bulls, as defined herein, and other vicious dogs, on human beings in the Village of Commercial Point, which have become a threat to the health, safety, and welfare of the public in all areas



of the Village of Commercial Point; and the lack of knowledge or lack of intent to injure is eliminated as a defense to any violation thereof.

- (5) A. Whosoever violates the provisions of this division shall be fined not more than one thousand dollars (\$1,000.00).
- B. When any person is found guilty of a second offense of this division, such person shall be fined one thousand dollars (\$1,000.00), which fine shall be mandatory, and shall not be suspended or remitted.
- C. In addition to the foregoing penalties, any person who is found guilty of violating this division shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the elimination of any such dog.
- (6) No owner, keeper or person in charge of any animal shall allow or permit such animal to void urine or excrement on any public or private proper other than the property of the owner, keeper or person in charge of such animal, except that animals may be allowed or permitted to void urine or excrement between the curbs of public streets or alleys and on vacant, unoccupied and unused public or private land, provided the owner of such unused private land does not publicly and prominently post notice thereon that such acts are prohibited.
- (7) No owner, keeper or person in charge of any animal shall fail to pick up and properly dispose of any fecal matter left by his or her animal on any public or private property.
- (8) Whoever violates this divisions (b)(6) or (7) pertaining to voiding animal excrement shall be fined no more than one hundred dollars (\$100.00).

(Ord. 11-89.2, passed 11-6-1989; Am. Ord. 11-92-1, passed - -1992; Am. Ord. 2008-01, passed 1-14-2008)

## § 7 NUISANCES.



- (a) To secure the peace and safety of the inhabitants.
- (1) It shall be unlawful for any person or persons to disturb the good order or quiet of the village by clamor or noise or by drunkenness, fighting or using obscene or profane language in the streets, public places or other places to the annoyance of the citizens thereafter engages in exciting any quarrel among other persons or otherwise violates the public peace and safety by indecent or disorderly conduct or by loud or lascivious behavior.
  - (2) It shall be unlawful for any person or persons of the village to allow his or her house, shop store, saloon or other places to be used, frequented or resorted to by rioters noisy or disorderly persons, or by gamblers, vagrants or prostitutes, or permit any boisterous, noisy or disorderly conduct therein or thereabout, to the disturbance or annoyance of the neighborhood or the public or to make or assist or countenance or abet the making of any riot, row, noise, disorder or disturbance at, in, or about any house, shop, store, saloon or other place whatsoever within the village.
  - (3) It shall be unlawful for any person or persons to unlawfully assault or threaten another in a menacing manner, or shall unlawfully strike or wound another, or provoke another to commit a breach of the peace.
  - (4) Any person violating any provision of division (a) shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) nor less than ten dollars (\$10.00).
- (b) Certain nuisances.
- (1) Generally.
    - A. No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive



smells, becomes injurious to the health, comfort or property of individuals or of the public.

- B. No person shall cause or allow offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.
  - C. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.
  - D. No person shall keep or maintain on his or her premises an abandoned service station in such condition as to constitute a danger to the public health, welfare, safety, or morals. ABANDONED SERVICE STATION is defined in Ohio R.C. ' 3791.11 (A)(2) which is incorporated by reference herein.
- (2) Correction of violation; notice.
- A. Whoever violates any of the provisions of division (b)(1) hereof shall be required to correct such violation within five days of notice to do so served upon him or her by the Mayor or his or her authorized representative.
  - B. Such notice shall be by registered mail to the offender's last known address and, in the event such address is unknown, by publication in a newspaper of general circulation in the village for a period of not less than three days.
  - C. Upon failure to correct such violation pursuant to the terms of such notice and order, the Mayor shall cause the same to be corrected by



the village.

- D. The costs of such correction shall be certified by the Mayor to the county auditor who shall assess such costs upon the offender to be collected in like manner as other taxes are collected.
- E. The remedy provided for herein is in addition to the penalty provided in division (b)(3) hereof.

- (3) Penalty. Whoever violates this section shall be fined no more than one hundred dollars (\$100.00). Each day the violation continues constitutes a second offense.

(Ord. 2-11-72, passed 11-6-1972; Am. Ord. 1500.28, passed 7-18-1983)

**§ 8 SWIMMING, WADING AND BATHING IN GRAVEL PITS.**

- (a) No person shall wade, swim or bath in any gravel quarries within the village.
- (b) Whoever violates division (a) of this section shall be fined not more than one hundred dollars (\$100.00) for each offense.

(Ord. 1500.02, passed 10-10-1974)