

First Reading: April 8, 2008  
Second Reading: Dispensed  
Third Reading: Dispensed

**ORDINANCE 7 -2008**

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2008 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY**

**WHEREAS**, the American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio; and

**WHEREAS**, it is the intent of the Council of the Village of Newtown to adopt the 2008 Edition of The Ohio Basic Code; and

**WHEREAS**, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

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

**SECTION 1.** American Legal Publishing's Ohio Basic Code, 2008 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code or Code of Ordinances which may have been previously adopted by the municipality is hereby repealed as obsolete and hereby replaced in its entirety by this Ohio Basic Code, 2008 Edition.

**SECTION 2.** One copy of American Legal Publishing's Ohio Basic Code, 2008 Edition, certified as correct by the Mayor and Fiscal Officer, as required by Ohio Revised Code 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer and retained as a permanent ordinance record of the Village of Newtown. The Fiscal officer of the Village of Newtown is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code 731.23. Such summary is attached hereto and marked as "Exhibit A".

**SECTION 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2008 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of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 Ohio Basic Code, 2008 Edition, 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 therefore. 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.
- (11) Any legislation specifically superseding the provision of the Ohio Basic Code.

**SECTION 4.**

The Council of the Village of Newtown, by at least three-fourths vote of all of its members, dispenses with the requirement that this Ordinance be read on three separate days and authorizes its passage upon one reading and shall take effect at the earliest date provided by law.

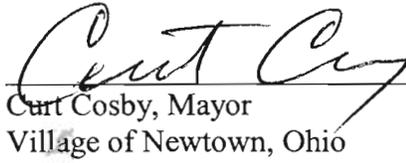
**SECTION 5.**

This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, welfare, and safety of the Village of Newtown. The reason for the emergency is the immediate codification of village ordinances in and with accordance with changes in state laws.

**VOTE RECORD:**

Mr. Burns	<u>YES</u>	Mr. Evans	<u>YES</u>	Ms. Hueber	<u>YES</u>
Mr. Kobasuk	<u>YES</u>	Mr. Pulskamp	<u>YES</u>	Mr. Zornes	<u>YES</u>

**PASSED** this 8<sup>th</sup> day of April, 2008.

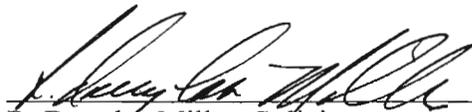
  
Curt Cosby, Mayor  
Village of Newtown, Ohio

**AUTHENTICATION**

This is to certify that this ordinance was duly passed, and filed with the Village of Newtown Fiscal Officer, this 8<sup>th</sup> day of April, 2008.

  
Keri Everett, Fiscal Officer  
Village of Newtown, Ohio

**APPROVED AS TO FORM**

  
R. Douglas Miller, Solicitor  
Village of Newtown, Ohio

## Exhibit A

### OHIO BASIC CODE, 2008 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 8<sup>th</sup> day of April, 2008, there was enacted by the Legislative Authority of the Municipality of Newtown, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2008 Edition, as the Code of Ordinances for the Municipality of Newtown, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

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#### TITLE I: GENERAL PROVISIONS

##### Chapter 10: General Provisions

Section	
10.01	Short titles
10.02	Definitions
10.03	Rules of construction
10.04	Revivor; effect of amendment or repeal
10.05	Construction of section references
10.06	Conflicting provisions
10.07	Severability
10.08	Reference to offices
10.09	Errors and omissions
10.10	Ordinances repealed
10.11	Ordinances unaffected
10.12	Ordinances saved
10.13	Application to future ordinances
10.14	Interpretation
10.15	Amendments to code; amendatory language
10.16	Statutory references
10.17	Preservation of penalties, offenses, rights and liabilities
10.18	Determination of legislative intent
10.99	General penalty

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#### TITLE III: ADMINISTRATION

##### Chapter 30: General Provisions

Section	
30.01	Application of Title III
30.02	Qualifications; oaths
30.03	Bonds of officers and employees; amount
30.04	Additional bond; where bonds recorded and kept
30.05	Approval of bonds
30.06	Sufficiency of form of bond
30.07	Filling vacancies in offices
30.08	Public records available
30.09	Records Commission
30.10	Meetings of public bodies to be open; exceptions; notice
30.11	Municipal officers may attend conference or convention; expenses
30.12	Residency requirements prohibited; exceptions

##### Chapter 31: Executive Authority

Section	
	<i>General Provisions</i>
31.01	Executive power; where vested

***Contracts, Bids and Proceedings***

- 32.25 Contracts by the Legislative Authority or Administrator
- 32.26 Bids and proceedings
- 32.27 Alterations or modifications of contract
- 32.28 Contract restrictions
- 32.29 Award to lowest responsive and responsible bidder

***Ordinances and Resolutions***

- 32.40 Ordinances and resolutions as evidence
- 32.41 Passage procedure
- 32.42 Style of ordinances
- 32.43 Subject and amendment of ordinances and resolutions
- 32.44 Authentication and recording of ordinances and resolutions
- 32.45 Publication of ordinances and resolutions; proof of publication and circulation
- 32.46 Notice for proposed amendments to the municipal Charter
- 32.47 Times of publication required
- 32.48 Publication and certification of ordinances in book form
- 32.49 Adoption of technical ordinances and codes
- 32.50 Certificate of Clerk as to publication
- 32.51 Publication when no newspaper published in municipality
- 32.52 Effect of not making publication
- 32.53 Ordinances providing for appropriations or street improvements; emergency ordinances

***Initiative and Referendum***

- 32.70 Initiative petitions
- 32.71 Referendum petitions
- 32.72 More than one ordinance required; application of subchapter
- 32.73 Presentation of petitions
- 32.74 Copy of proposed ordinance or measure to be filed with Clerk
- 32.75 Words to be printed in red
- 32.76 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.77 Itemized statement by circulator of petition
- 32.78 Prohibited practices relative to petitions
- 32.79 Accepting premiums for signing
- 32.80 Threats in securing signatures
- 32.81 Application of subchapter if Charter adopted

**Chapter 33: Judicial Authority**

Section

***General Provisions***

- 33.01 Jurisdiction in ordinance cases and traffic violations
- 33.02 Powers of Mayor and Mayor's Court Magistrate in criminal matters
- 33.03 Duties of Mayor and Mayor's Court Magistrate; fees; office; seal
- 33.04 Mayor's Court Magistrate
- 33.05 Powers to suspend driver's license in OVI cases

***Contempt of Court***

- 33.20 Summary punishment for contempt
- 33.21 Acts in contempt of court
- 33.22 Hearing
- 33.23 Contempt action for failure to pay support, failure to comply or interference with a visitation order; summons
- 33.24 Right of accused to bail
- 33.25 Hearing on contempt; penalties; support orders; failure to withhold or deduct money pursuant to support order
- 33.26 Imprisonment until order obeyed
- 33.27 Proceedings when party released on bail fails to appear

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**TITLE V: PUBLIC WORKS**

[Reserved]

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**TITLE VII: TRAFFIC CODE**

**Chapter 70: General Provisions**

Section

*General Provisions*

- 70.01 Definitions
- 70.02 Compliance with order of police officer
- 70.03 Emergency vehicles to proceed cautiously past red or stop signal
- 70.04 Exceptions generally; emergency, public safety and coroner vehicles exempt
- 70.05 Persons riding or driving animals upon roadways
- 70.06 Prohibitions against pedestrians and slow-moving vehicles on freeways
- 70.07 Use of private property for vehicular travel
- 70.08 Names of persons damaging real property by operation of vehicle to be provided to owner
- 70.09 Limited access highways; barriers along; vehicles to enter and leave at designated intersections
- 70.10 Through highways
- 70.11 Officer may remove ignition key

*Traffic-Control Devices*

- 70.20 Obeying traffic-control devices
- 70.21 Signal lights
- 70.22 Signals over reversible lanes
- 70.23 Ambiguous or non-working traffic signals
- 70.24 Pedestrian-control signals
- 70.25 Flashing traffic signals
- 70.26 Unauthorized signs and signals prohibited
- 70.27 Alteration, defacement, or removal prohibited
- 70.28 Unauthorized possession or sale of devices
- 70.29 Signal preemption devices; prohibitions
  
- 70.99 Penalty

**Chapter 71: Licensing Provisions**

Section

*Motor Vehicle Licensing*

- 71.01 Display of license plates or validation stickers; registration
- 71.02 Improper use of noncommercial motor vehicle
- 71.03 Operating motor vehicle ordered immobilized; forfeiture
- 71.04 Operation or sale without certificate of title
- 71.05 Display of certificate of registration
- 71.06 Use of unauthorized plates
- 71.07 Operating without dealer or manufacturer license plates

*Driver's Licenses*

- 71.10 Prohibited acts
- 71.11 Permitting minor to operate vehicle prohibited; temporary instruction permit; probationary license
- 71.12 License required as driver or commercial driver on public or private property; nonresident exemption
- 71.13 Employment of a minor to operate a taxicab prohibited
- 71.14 Restriction against owner lending vehicle for use of another
- 71.15 Suspension of driver's licenses; license suspended by court of record
- 71.16 Display of license
- 71.17 Prohibition against false statements
- 71.18 Driving under suspension or in violation of license restriction
- 71.19 Operating motor vehicle without valid license

### ***Grade Crossings***

- 72.45 Stop signs at grade crossings
- 72.46 Driving vehicle across railroad grade crossing
- 72.47 Vehicles required to stop at grade crossings
- 72.48 Slow-moving vehicles or equipment crossing railroad tracks

### ***Prohibitions***

- 72.55 Obstruction and interference affecting view and control of driver
- 72.56 Occupying travel trailer while in motion
- 72.57 Driving upon closed highway prohibited
- 72.58 Driving upon sidewalk area or paths exclusively for bicycles
- 72.59 Obstructing passage of other vehicles
- 72.60 Following an emergency or public vehicle prohibited; approaching stationary public safety vehicle with caution
- 72.61 Driving over unprotected fire hose
- 72.62 Placing injurious material on highway or depositing litter from motor vehicle
- 72.63 Transporting child not in child-restraint system prohibited
- 72.64 Occupant restraining devices
- 72.65 Use of engine brakes prohibited
- 72.66 Operating motor vehicle while wearing earphones or earplugs
- 72.67 Chauffeured limousines and livery services
- 72.68 Operating traction engine upon improved highway
- 72.69 Cracking exhaust noises; peeling out
- 72.70 Shortcutting across private property

### ***School Buses***

- 72.80 Regulations concerning school buses
- 72.81 Violation of regulations; report; investigation; citation; warning
- 72.82 Restrictions on the operation of school buses
- 72.83 School bus inspection
- 72.84 School bus not used for school purposes
- 72.85 Licensing by Department of Public Safety
- 72.86 Registration and identification of school buses
- 72.87 School bus marking
- 72.88 Flashing light signal lamps
- 72.89 Occupant restraining device for operator

## **Chapter 73: Motor Vehicle Crimes**

Section

### ***General Provisions***

- 73.01 Driving under the influence of alcohol or drugs
- 73.011 Implied consent
- 73.012 Physical control of vehicle while under the influence
- 73.02 Driving commercial vehicle with impaired alertness or ability; use of drugs
- 73.03 Immobilizing or disabling device violation

### ***Reckless Operation***

- 73.05 Reckless operation of vehicles
- 73.06 Reckless operation off streets and highways; competitive operation
- 73.07 Operator to be in reasonable control

### ***Speed Regulations***

- 73.10 Speed limits
- 73.11 Slow speed or stopping
- 73.12 Emergency vehicles excepted from speed limitation
- 73.13 Street racing defined; prohibited on public highways
- 73.14 Speed regulations on bridges

- 74.45 Operation of vehicle exceeding weight limits prohibited
- 74.46 Load limits
- 74.47 Maximum width, height, and length
- 74.48 Statement of gross vehicle weight
- 74.49 Wheel protectors required on heavy commercial vehicles
- 74.50 Liability for damages; prosecution; application of monies
- 74.51 Weight exceptions for coal trucks, farm trucks, farm machinery, log trucks, and solid waste haul vehicles

### Chapter 75: Bicycles, Motorcycles and Off-Road Vehicles

Section

#### *General Provisions*

- 75.01 Bicycles; application of Title VII
- 75.02 Operation of motorized bicycle
- 75.03 Rules for bicycles, motorcycles, and snowmobiles
- 75.04 Prohibition against attaching bicycles and sleds to vehicles
- 75.05 Riding bicycles; motorcycles abreast
- 75.06 Equipment of bicycles

#### *Snowmobiles, Off-Highway Motorcycles, and All-Purpose Vehicles*

- 75.25 Definitions
- 75.26 Equipment
- 75.27 Code application; prohibited operation
- 75.28 Permitted operation
- 75.29 Licensing requirements of operator
- 75.30 Maintenance of vehicles for hire
- 75.31 Accident reports
- 75.32 Impounding of vehicle
- 75.33 Local control within police power
- 75.34 Registration of vehicles
- 75.35 Display of registration number on snowmobiles
- 75.36 Certificate of title; prohibitions

### Chapter 76: Parking Regulations

Section

- 76.01 Prohibition against parking on highways
- 76.02 Condition when motor vehicle left unattended
- 76.03 Police may remove illegally parked vehicle
- 76.04 Parking prohibitions
- 76.05 Parking near curb; privileges for persons with disabilities
- 76.06 Parking on private property in violation of posted prohibition
- 76.07 Selling, washing or repairing vehicle upon roadway
- 76.08 Truck loading zones
- 76.09 Bus stops and taxicab stands
- 76.10 Parking in alleys and narrow streets; exceptions
- 76.11 Registered owner prima facie liable for unlawful parking
- 76.12 Waiver

## TITLE IX: GENERAL REGULATIONS

### Chapter 90: Animals

Section

#### *Animals Running at Large*

- 90.01 Dogs or other animals running at large; dangerous or vicious dogs
- 90.02 Confining animal found at large; publication of notice; lien
- 90.03 Unavoidable escapes
- 90.04 Fees
- 90.05 Rabies quarantine orders of Mayor
- 90.06 Interfering with enforcement of quarantine orders
- 90.07 Reporting escape of exotic or dangerous animals required
- 90.08 Dogs may be killed for certain acts

## Chapter 92: Intoxicating Liquors

### Section

- 92.01 Definitions
- 92.02 Exemptions from chapter
- 92.03 Restrictions applicable to sale of beer and intoxicating liquor for consumption on the premises
- 92.04 Restrictions on sale of beer and liquor
- 92.05 Permit required; activities prohibited without permit
- 92.06 Illegal transportation prohibited
- 92.07 Open container prohibited; exception
- 92.08 Underage person shall not purchase intoxicating liquor or beer
- 92.09 Prohibitions; minors under 18 years; low-alcohol beverages
- 92.10 Alcohol vaporizing devices prohibited
- 92.11 Misrepresentation to obtain alcoholic beverage for a minor prohibited
- 92.12 Misrepresentation by a minor under 21 years
- 92.13 Sale to underage persons prohibited
- 92.14 Posting of card
- 92.15 Good faith acceptances of spurious identification
- 92.16 Consumption in motor vehicle prohibited
- 92.17 Hours of sale or consumption
- 92.18 Obstructing search of premises prohibited
- 92.19 Illegal possession of intoxicating liquor prohibited
- 92.20 Sale or possession of diluted liquor and refilled containers prohibited
- 92.21 Keeping place where beer or intoxicating liquors are sold in violation of law
- 92.22 Intoxicating liquors shall not be sold in brothels
- 92.23 Use of intoxicating liquor in a public dance hall prohibited; exceptions
- 92.24 Poisonously adulterated liquors
- 92.25 Tavern keeper permitting rioting or drunkenness
- 92.26 Notice of action to prohibit liquor business
- 92.27 Procedure when injunction violated
- 92.28 Liquor transaction scans
- 92.29 Affirmative defenses
  
- 92.99 Penalty

## Chapter 93: Nuisances

### Section

#### *General Provisions*

- 93.01 Application of the chapter
- 93.02 Definitions
- 93.03 Nuisances generally; injunctions; violation; contempt
- 93.04 Maintaining certain nuisances
- 93.05 Collection of cost of abating dangerous property condition; injunction; rehabilitation
- 93.06 Trimming of trees and shrubbery to prevent obstruction

#### *Unclean Habitations*

- 93.10 Permitting unclean habitations
- 93.11 When habitations are deemed unsanitary
- 93.12 Order for abatement or vacation of premises
- 93.13 Enforcement of vacation order by Fire Chief or Police Chief
- 93.14 Enforcement through court proceedings

#### *Septic Tanks, Cesspools, and Refuse*

- 93.20 Location of privy vaults, cesspools, and septic tanks
- 93.21 Unsanitary vaults
- 93.22 Removal of contents of vault
- 93.23 Deposit of dead animals, offal upon land or water
- 93.24 Defiling spring or well prohibited
- 93.25 Dumping of refuse in municipality prohibited
- 93.26 Abandoned refrigerators
- 93.27 Discarding litter prohibited
- 93.28 Power of municipality to fill or drain land

- 96.05 Siren prohibited; exceptions
- 96.06 Regulations for operation of powercraft of more than 10 horsepower
- 96.07 Restrictions on child operators; duty of supervisory adult
- 96.08 Reckless operation
- 96.09 Unsafe conditions
- 96.10 Marking of bathing and vessel areas
- 96.11 Mooring prohibited in certain areas
- 96.12 Operating under influence of alcohol or drugs prohibited
- 96.13 Implied consent
- 96.14 Incapacitated operators prohibited
- 96.15 Water skiing confined to ski zones
- 96.16 Observer required when towing skier
- 96.17 Water skiing after dark prohibited
- 96.18 Personal flotation device required for towed person
- 96.19 Ski jumps prohibited
- 96.20 Permit for special water events
- 96.21 Sale of single celled inflatable vessels prohibited
- 96.22 Sitting, standing, walking on moving vessels restricted
- 96.23 Engine warm-up required
- 96.24 Personal flotation devices for children under ten
- 96.25 Operation without personal flotation devices prohibited
- 96.26 Distress signal or flag required
- 96.27 Anchor requirements
- 96.28 Specification for fire extinguishers
- 96.29 Backfire flame control device required
- 96.30 Ventilation requirement on powercraft
- 96.31 Abandonment of junk vessels or outboard motors
- 96.32 Exhaust muffler required; noise levels; exceptions
- 96.33 Safety equipment on rental vessels
- 96.34 Capacity plate
- 96.35 Littering prohibited
- 96.36 Dwellings; sanitary systems
- 96.37 Prima facie evidence of negligence
- 96.38 Requirements for operating personal watercraft
- 96.39 Numbering
- 96.40 Registration
- 96.41 Tags indicating expiration date; attachment of identification number
- 96.42 Altering of serial numbers; false information prohibited
- 96.43 Accident reports
- 96.44 Enforcement
- 96.45 Firearms offenses; signaling devices
- 96.46 Tampering with navigation aid or vessel prohibited
- 96.47 Certificate of title; exceptions
- 96.48 Manufacturer's or importer's certificate
- 96.49 Prohibitions relating to certificates of title
- 96.50 Permanently displayed hull identification number
  
- 96.99 Penalty

## TITLE XI: BUSINESS REGULATIONS

### Chapter 110: General Provisions

- |         |  |
|---------|--|
| Section | <ul style="list-style-type: none"> <li>110.01 Licenses required to engage in certain businesses; exceptions</li> <li>110.02 Application for license</li> <li>110.03 Issuance of license</li> <li>110.04 Date and duration of license</li> <li>110.05 License not transferable</li> <li>110.06 License certificate to be displayed</li> <li>110.07 Revocation or suspension</li> <li>110.08 Appeal and review</li> <br/> <li>110.99 General penalty for Title XI</li> </ul> |
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- 114.04 Inspection of facilities
- 114.05 Suspension or revocation of license
- 114.06 Consent for performing procedures on persons under 18
- 114.07 Prohibitions relating to persons under 18
- 114.08 Defenses to violations
- 114.09 Training standards; records; safety and sanitation; equipment
- 114.10 Application of local regulation on chapter
  
- 114.99 Penalty

**TITLE XIII: GENERAL OFFENSES**

**Chapter 130: General Provisions**

Section

- 130.01 Application of Title XIII
- 130.02 Definitions
- 130.03 Classification of offenses
- 130.04 Common law offenses abrogated
- 130.05 Rules of construction
- 130.06 Limitation of criminal prosecutions
- 130.07 Requirements for criminal liability; voluntary intoxication
- 130.08 Culpable mental states
- 130.09 Organizational criminal liability
- 130.10 Personal accountability for organizational conduct
- 130.11 Attempt
- 130.12 Complicity
- 130.13 Presumption of innocence; proof of offense; affirmative defense
- 130.14 Battered woman syndrome
- 130.15 Delinquency adjudications deemed convictions
- 130.16 Criminal law jurisdiction
- 130.17 Disposition of unclaimed or forfeited property held by Police Department
- 130.18 Imposing sentence for misdemeanor
- 130.19 Multiple sentences
- 130.20 Apprehension, detention, or arrest of persons on bond
  
- 130.99 Penalty for Title XIII

**Chapter 131: Offenses Against Property**

Section

- 131.01 Definitions
- 131.02 Arson; determining property value or amount of physical harm
- 131.03 Criminal damaging or endangering; vehicular vandalism
- 131.04 Criminal mischief
- 131.05 Damaging or endangering aircraft or airport operations
- 131.06 Criminal trespass; aggravated trespass
- 131.07 Tampering with coin machines
- 131.08 Theft
- 131.09 Unauthorized use of a vehicle
- 131.10 Unauthorized use of property, including telecommunication property and computers; possession of municipal property
- 131.11 Passing bad checks
- 131.12 Misuse of credit cards
- 131.13 Making or using slugs
- 131.14 Prima facie evidence of purpose to defraud
- 131.15 Tampering with records
- 131.16 Securing writings by deception
- 131.17 Defrauding creditors
- 131.18 Receiving stolen property
- 131.19 Value of stolen property
- 131.20 Degree of offense when certain property involved
- 131.21 Injuring vines, bushes, trees, or crops
- 131.22 Detention and arrest of shoplifters and those committing motion picture piracy; protection of institutional property
- 131.23 Insurance fraud; workers' compensation fraud; medicaid fraud

- 134.12 Instant bingo other than at bingo sessions
- 134.13 Restrictions on owner or lessor of location at instant bingo
- 134.14 Skill-based amusement machines; prohibited conduct

### Chapter 135: Offenses Against Persons

Section

- 135.01 Definitions
- 135.02 Negligent homicide
- 135.03 Vehicular homicide; vehicular manslaughter
- 135.04 Assault; negligent assault
- 135.05 Injury to persons by hunters
- 135.06 Menacing; aggravated menacing; menacing by stalking
- 135.07 Unlawful restraint
- 135.08 Criminal child enticement
- 135.09 Coercion
- 135.10 Bigamy
- 135.11 Unlawful abortion; failure to perform viability testing
- 135.12 Abortion trafficking
- 135.13 Nonsupport of dependents
- 135.14 Endangering children
- 135.15 Interference with custody; interference with support orders
- 135.16 Domestic violence
- 135.17 Hazing prohibited
- 135.18 Contributing to unruliness or delinquency of a child
- 135.19 Failure to provide for functionally impaired person
- 135.20 Patient abuse or neglect; patient endangerment; exceptions; false statements; retaliation
- 135.21 Interference with right of person to engage in housing transactions because of race, religion, or the like
- 135.22 Ethnic intimidation
- 135.23 Violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state
- 135.24 Adulteration of food
- 135.25 Illegal distribution of cigarettes or other tobacco products; transaction scans
- 135.26 Nonsmoking areas in places of public assembly
- 135.27 Spreading contagion
- 135.28 Abuse of a corpse

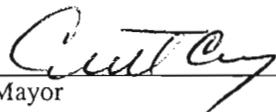
### Chapter 136: Offenses Against Justice and Administration

Section

- 136.01 Definitions
- 136.02 Falsification
- 136.03 Compounding a crime
- 136.04 Failure to report a crime
- 136.05 Failure to aid a law enforcement officer
- 136.06 Obstructing official business
- 136.07 Obstructing justice
- 136.08 Resisting arrest
- 136.09 Having an unlawful interest in a public contract
- 136.10 Soliciting or receiving improper compensation
- 136.11 Dereliction of duty
- 136.12 Interfering with civil rights
- 136.13 Illegal conveyance of prohibited items onto grounds of a detention facility or mental health or mental retardation and developmental disabilities facility
- 136.14 False report of child abuse or neglect
- 136.15 Assaulting police dog or horse, or assistance dog
- 136.16 Disclosure of confidential peace officer information
- 136.17 Intimidation of crime victim or witness
- 136.18 Using sham legal process
- 136.19 Making false allegation of peace officer misconduct
- 136.20 Misuse of 9-1-1 system
- 136.21 Failure to disclose personal information

This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of Newtown, Ohio.

Signed:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk of the Legislative Authority